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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Final Report on the situation of human rights in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1992/67 of 4 March 1992

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INTRODUCTION

1. At its forty-eighth session, the Commission on Human Rights decided, by its resolution 1992/67 of 4 March 1992, to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year and requested the Special Representative to submit an interim report to the General Assembly at its forty-seventh session on the situation of human rights in the Islamic Republic of Iran and a final report to the Commission at its forty-ninth session. In its decision 1992/239 of 20 July 1992, the Economic and Social Council approved that resolution.

2. In compliance with Commission on Human Rights resolution 1992/67 and Economic and Social Council decision 1992/239, the Special Representative submits herewith his final report on the situation of human rights in the Islamic Republic of Iran. It refers to the situation of human rights in the Islamic Republic of Iran during 1992, although it must obviously be read in the light of the reports submitted by the Special Representative since 1986.

3. As in previous years, the present report concentrates on written communications with government officials and on allegations of human rights violations from non-governmental organizations and individuals.

4. The structure of the present report is similar to previous reports, and it is accordingly divided into five sections: Introduction; I. Communications between the Government of the Islamic Republic of Iran and the Special Representative; II. Information received by the Special Representative; III. Considerations and observations; and IV. Conclusions. There are two annexes.

I. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

5. Since the forty-eighth session of the Commission on Human Rights, the Special Representative transmitted to the Government of the Islamic Republic of Iran several cases of alleged human rights violations which, in his view, required the urgent attention of the Government.

6. On 16 April 1992, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

> "... According to the information at my disposal Mr. Bahman Samandari, a member of the Baha'i community in Tehran, was arrested on 17 March 1992. His family was reportedly refused authorization to visit him in prison on account of an extended public holiday period in connection with the Iranian New Year. When at the end of the holiday period, his wife renewed her request for a visit on 5 April 1992, she was handed her husband's will dated 18 March 1992, with a vague indication that her husband had been executed and that his execution was related to charges levelled against him during a previous detention in 1987 during which he

had been accused of belonging to the Baha'i faith. No death certificate was allegedly given to her, no formal information was provided on the charges or verdict, and her request to receive his body for burial by the family was allegedly also refused.

"In view of the repeated assurances I have received from your Government that all Baha'is are enjoying the same rights as any other citizen in the Islamic Republic of Iran and that no Baha'i is persecuted for his faith, I would be most grateful if the aforementioned reports could be investigated and if I could be provided with full information about this case. I would further be grateful if you could kindly intercede with the competent authorities with a view to giving the members of the family of Mr. Bahman Samandari access to the information they require about the fate of their relative as well as to his remains."

7. On 10 June 1992, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I should like to bring to your attention that I have received reports about the recent arrest of hundreds of persons following political demonstrations and riots in Mashhad, Arak, Chahar-Mahal, Hamedan, Khorramabad, Shiraz, Shushtar and Tehran.

"According to the information received, the disturbances began in Shiraz in mid-April 1992 and were reportedly followed by demonstrations in Arak at the end of May. During the most recent incidents in Mashhad, on 30 May 1992, members of the Guards Corps, of the Pasdaran and other security forces have allegedly responded by using excessive force and opening fire indiscriminately on demonstrators. The Judiciary has reportedly sent to the affected cities a number of judges of the Islamic Revolutionary Court of Tehrar and the Head of Judiciary, Ayatollah Mohammad Yazdi, was quoted as saying that '... swift and decisive justice would be meted out to rioters'. According to the information at my disposal, the daily newspaper Ettela'at has reported on 1 June 1992 that death penalties would be imposed on the instigators of the events and armed troublemakers.

"I should appreciate if you could inform me, in the context of our cooperation, about the reported incidents, the conduct of the security forces, the charges brought against those arrested, their places of detention, and all relevant details of their trials as well as on any execution which might be carried out. In this connection, I should like to recall the recommendations I have formulated in my report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/35, para. 494), and the comments I made thereon in my last report to the Commission (E/CN.4/1992/34, paras. 404-471), in particular regarding the application of the death penalty, the rules of due process of law and legislative and administrative reforms to the administration of justice.

"I should also be grateful if you could convey my appeal to your Government to ensure that those in detention can fully benefit from all the internationally recognized procedural safeguards, particularly those

provided for in the International Covenant on Civil and Political Rights, such as the rules of due process of law, including the notification of charges immediately after arrest, public trials, regular access to defence lawyers of their own choosing and the right of appeal, as well as the prevention of ill-treatment and torture during the investigation of offences and during imprisonment."

8. On 24 July 1992, the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... I have the honour to refer to Commission on Human Rights resolution 1992/67 by which my mandate as Special Representative, as contained in Commission resolution 1984/54, was extended for a further year. As you know, on 20 July 1992 the Economic and Social Council approved Commission resolution 1992/67, of which I attach a copy for ease of reference.

"In accepting to serve as Special Representative of the Commission for a further year I would like to emphasize that I intend to continue carrying out my mandate in the most impartial and objective manner possible. With this aim in mind it would be most important for me to further pursue the direct contacts which I was able to establish during the past two years with those authorities of your country who are primarily concerned with matters pertaining to the promotion and protection of human rights and to gather all the information required for the reports I have been mandated to prepare. I, therefore, should once again like to visit the Islamic Republic of Iran for a maximum duration of 10 working days on any dates convenient to your Government during the period 10 October-10 November 1992.

"I would be most grateful if you could forward my request to your Government and communicate to me, through the Centre for Human Rights, your Government's response as soon as possible so as to allow for the necessary planning of work for my reporting obligations to the General Assembly and the Commission on Human Rights."

9. During a trip to Geneva from 4 to 9 September 1992 to begin drafting his interim report to the General Assembly, the Special Representative addressed, on 7 September 1992, the following telefax to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"... As you were informed in due time by phone, I have been in Geneva since Friday, 4 September and I will stay here until Wednesday, 9 September 1992.

"I am at your disposal in case you wish to discuss with me any subject concerning my next report to the General Assembly or the proposed visit to your country in the near future, as stated in my letter dated 24 July 1992."

10. On 7 September 1992, the Special Representative addressed the following telefax to the Minister for Foreign Affairs of the Islamic Republic of Iran:

> "I have the honour of writing to you to bring to your attention that I have received information about the case of two Iranian Baha'is who might be facing imminent execution in the Islamic Republic of Iran.
>
> "The case as reported to me is as follows: Messrs. Bihnam Mithaqi and Kayvan Khalajabadi, two Iranian Baha'is who were arrested three years ago and are being held in Gohardasht Prison in Karaj, have recently been called to the prison authorities where they were orally informed that an Islamic Revolutionary Court has issued a verdict condemning them to death due to their Baha'i faith.
>
> "It was reported that the trials which resulted in the death sentences for the above-mentioned persons took place without the assistance of defence lawyers. Two Muslim lawyers were reportedly engaged by the defendants but, having taken some initial steps, they found themselves unable to continue and resigned.
>
> "During my third visit to the Islamic Republic of Iran, I was able to meet those persons in Evin prison in Tehran.
>
> "In the context of the cooperation which your Government accords to my mandate, I would be most grateful if you could urgently intercede to ensure that these persons can benefit from all the procedural safeguards stipulated in the International Covenant on Civil and Political Rights, particularly in its articles 6, 14 and 15, and from the safeguards 4 to 8 guaranteeing protection of the rights of those facing the death penalty, contained in Economic and Social Council resolution 1984/50 of 25 May 1984. I should also appreciate if your Government could inform me of the current situation of those persons, of the precise charges brought against them and of all relevant details of their trials and sentences.
>
> "Should Messrs. Mithaqi and Khalajabadi have been in fact sentenced to death, and in the event that all legal remedies have been fully exhausted, may I appeal to your Government to consider granting clemency to the above-mentioned persons."

11. On 25 September 1992, the Special Representative, following past practice, transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a memorandum containing the allegations of human rights violations which he had received since the last renewal of his mandate.

12. On 24 November 1992, the Permanent Representative of the Islamic Republic of Iran to the United Nations replied as follows:

> "With reference to your letter of 25 September 1992, in which a number of allegations were brought to the attention of the Government of the Islamic Republic of Iran, I have the honour to state the following:

"You will concur that preparation of replies and comments to issues raised in the memorandum annexed to your letter of 25 September 1992 requires correspondence with various branches of and departments in the Government and thus will require more than four weeks. Nevertheless, in continuation of our cooperation, I am enclosing a compilation of replies to your questions and comments to your statements. Responses to the remaining questions will be presented in a more appropriate time.

"It would be appreciated if these replies and comments are reflected in your introductory statement before the Third Committee and be incorporated in your final report to the forty-ninth session of the Commission on Human Rights".

13. On 23 December 1992, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, the following letter:

"Attached to the present letter I am sending to you a memorandum containing the main allegations of human rights violations received since September 1992, which have been brought to my attention by various sources.

"I should appreciate receiving circumstantiated replies from your Government, as well as any comments or observations your Government might wish to make thereon, if possible before 15 January 1993.

"On the other hand I would like to recall my request communicated to you by letter dated 24 July 1992 for a further visit to your country. In this connection I should also like to refer to resolution 47/146 adopted by the General Assembly on the report of the Third Committee".

14. On 5 January 1993, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva a letter informing him of his intended visit to Geneva from 18 to 22 January 1993 in connection with the preparation of the report he is to submit to the next session of the Commission on Human Rights, and his willingness to discuss any matter relating to his mandate.

15. On 20 January 1993, the Special Representative had an interview with Ambassador Sirous Nasseri, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva. Ambassador Nasseri stated that the Special Representative's latest report to the Commission on Human Rights (E/CN.4/1992/34) had not contributed to the efforts of his Government to improve the situation of human rights in his country. He said that his Government had noted a change of tone and position on the part of the Special Representative in that report as compared with the reports he had submitted in previous years. He added that the Special Representative's continued insistence on alleged excessive imposition of the death penalty could be explained by his failure to take into consideration the fact that the death penalty existed in many other countries, including those which criticized the human rights situation in the Islamic Republic of Iran, or the serious situation confronting the country as a result of the traffic in drugs originating from neighbouring countries and destined for Western Europe.

He further stated that the Special Representative's opinions about the lack of assistance by a defence counsel in criminal proceedings may have originated from the fact that implementation of the new law on the obligatory nature of legal assistance had begun only recently during his latest visit to the country. He said the Iranian press took the view that the subject of human rights was being used as yet another political instrument by the Powers that wanted to put the Islamic Republic of Iran under pressure.

16. The Special Representative denied that his reports had in any way been influenced by considerations of a political nature. He pointed out that in previous years he had identified what he considered to be the main problems confronting the Islamic Republic of Iran in the area of human rights: shortcomings in the administration of justice; non-observance of the rules of due legal process in judicial proceedings which ended with death sentences; failure to respect the rights of detainees to be informed of the reasons for their detention, to have the continuous assistance of a defence counsel, to call witnesses and present evidence in their favour, and to exercise remedies and lodge appeals; excessive use of the death penalty; excessive number of political prisoners; cases of cruel punishment and treatment; failure to respect the rights of Iranian citizens belonging to minorities; and problems in the enjoyment of the freedoms of association, movement, expression, the press, etc. In his most recent reports he had tried to determine whether there had been progress in those areas; despite repeated promises from officials, he had seen no evidence of such progress. Recent events, such as the expulsion from the country of delegates of the International Committee of the Red Cross (ICRC), confirmed his conclusion that there had been no major progress in consideration of his recommendations.

17. The Permanent Representative announced that on 28 January 1993 the Special Representative would receive a detailed reply to the allegations he had transmitted in memoranda dated 25 September and 23 December 1992. He added that it would be necessary to discuss what the Special Representative meant by, inter alia, excessive imposition of the death penalty or political prisoners. He expressed the view that great progress had been made in some aspects of the human rights situation in his country; in others, some progress had been made. The important point was, he added, that progress was being made in a specific direction, but the Special Representative should not expect changes overnight since the process under way should be measured in years. With regard to the suspension of ICRC activities in his country, he stated that that was due to the fact that the ICRC delegates had not complied with the rules by which they were bound, particularly with regard to the observance of strict confidentiality. His Government wished to re-establish contact with the Special Representative, with the aim of jointly identifying aspects of the human rights situation in his country which could be further improved. Among those aspects, he mentioned the care and protection of victims of acts of terrorism, a point which the Special Representative should not fail to address in his next report. He hoped that the members of the Commission on Human Rights would consider the report of the Special Representative in an open, objective and constructive spirit, since the aim was to improve the human rights situation in his country and not to issue a kind of verdict which could be used by the Powers that were trying to exert pressure on the Islamic Republic of Iran.

18. The Special Representative concluded by saying that he did not expect the Islamic Republic of Iran suddenly to become a model country with regard to human rights; what he did expect was that substantial improvements should take place in specific areas that would enable the country to meet the minimum human rights standards established by the various international conventions, declarations and resolutions, for the good of the country and of Iranian citizens.

II. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

19. The following paragraphs contain allegations of human rights violations received by the Special Representative and transmitted to the Government of the Islamic Republic of Iran by memoranda dated 25 September and 23 December 1992. Replies received from the Government with regard to the alleged incidents and cases have also been reflected in this section.

A. Right to life

20. During 1992 the number of executions in the Islamic Republic of Iran continued to be particularly high. Although the Iranian press has apparently ceased to publish all the cases of executions, at least 224 executions were reported only during the period from 1 January to 31 July 1992.

21. Most of the reported executions were said to have been related to drug offences, and were mainly carried out by hanging. The criminal charges resulting in the executions were reportedly as follows: 69 for drug trafficking; 66 for political reasons; 7 for a combination of armed robbery, committing acts of brigandage and "propagation of corruption on earth"; 6 for a combination of creating terror, destroying public security by use of arms, destroying public property and setting fire to government buildings; 3 for a combination of murder, drug trafficking, armed robbery and illegal entry into Iran; 1 for religious reasons; 1 for a combination of creating terror and burning books, including the Holy Qur'an; and 1 for a combination of stabbing, terrorizing and attacking people and smuggling narcotic drugs. For a further 70 executions, no reasons were reported.

22. By a letter dated 24 November 1992, the Permanent Representative of the Islamic Republic of Iran to the United Nations forwarded to the Special Representative the following response:

> "First of all, no person is sentenced to execution due to political activity. Secondly, the sentences of all convicts are precisely indicated in the court's verdict".

23. Specific cases of the application of the death penalty since 1 January 1992 have been reported as follows.

24. During the first week of January 1992, three persons were reportedly executed in Ilam prison, allegedly for political reasons. Their names were given as follows: Mr. Yadollah Khosravi, Mr. Jabbar Rajabi and Mr. Sirous Pour-Norouz.

25. By the same letter dated 24 November 1992, the Permanent Representative stated that: "According to investigations conducted, no political prisoner has been executed in the Province of Ilam. Yadollah Khosravi, Jabbar Rajabi and Sirous Pour-Norouz have no previous political convictions. Only in the case of one person, Jabbar Rajabpour, who is serving under disciplinary force and has been confined to three months in prison due to his insubordination and his confrontation with people while on official duty, do the latter specifications nearly correspond to those of the aforementioned".

26. It was further reported that another 15 persons were executed during the first week of January 1992 in Gohardasht prison, Tehran Province, allegedly for political reasons.

27. The letter of the Permanent Representative of the Islamic Republic of Iran to the United Nations of 24 November 1992, stated, with regard to the preceding paragraph, that no prisoners have been executed in Gohardasht during 1992 on political grounds.

28. According to a dispatch from Agence France Presse of 7 January 1992, on 5 January 1992 seven persons were hanged at Maragheh, East Azerbaijan, after being found guilty of propagation of corruption on earth, committing acts of brigandage and armed robbery.

29. In its response dated 24 November 1992, the Government replied as follows:

> "In 1992, on two separate occasions, people were sentenced to execution. In the first case, an armed robber while committing the crime, shot and killed a mother and her young child; therefore, in accordance with the divine Islamic code of Ghessass, he was sentenced to capital punishment. In the other case, due to banditry, armed robbery, and the murder of a truck driver, the convicted murderer was sentenced to capital punishment. It must be noted that the issuance of the Ghessass verdict, without proof that the murder was intentional, that the murderer, while committing murder, was mature and of sane mind, and that the murder took place under natural conditions, is impossible".

30. In addition to the executions mentioned above, the names of other persons reportedly executed during the month of January were given as follows: Mr. Hamid Salehpour, 25 years old, executed at Ahwaz; Mr. Kioumarz Nadjafi, 24 years old, executed at Masdjed Soleiman; Mr. Hassan Asgari, executed at Kermanshah; Mr. Djahangir Chams Sarraf, Mr. Rahim Derikvand, Mr. Sadeq Biralvand, Mr. Soleimani and Mrs. Effat Ghanizadeh, executed in Qazvin, Kermanshah, Gohardasht and Evin prison.

31. The Government, in its reply dated 24 November 1992, stated the following:

> "Hamid Salehpour is currently in Ahwaz prison. He is an Iraqi spy who was arrested about two years ago in a border village while in possession of a substantial number of confidential documents. He has been convicted and sentenced to 15 years' imprisonment. Regarding Keyoumars Najaf-Abadi, there have been no records found.

Hassan Asgari-Moghadam, as a member of a known terrorist group, intended to plant a bomb in the city of Kermanshah and was arrested before the explosion. He has been sentenced to 10 years' imprisonment. Jahangir Shams Saraj-Zadeh is an armed robber who is currently serving a 10-year sentence in the city of Ghazvin. Regarding Rahim Derikvand, Sadeq Biralvand, et al., due to the incomplete information on the names no records were obtained. Mrs. Effat Ghanizadeh has been released from prison. Therefore, none of these people have been executed, and each of the persons in question is living his or her own life".

32. According to a dispatch from Agence France Presse of 20 February 1992, on 19 February 1992 six persons were hanged at Bouroudjerd, Lorestan Province, after being found guilty of collaborating with the members of an "international gang of drug traffickers".

33. The Special Representative has received reports of the execution, on 18 March 1992, of Mr. Bahman Samandari, a member of the Baha'i community in Tehran, who was arrested on 17 March 1992. His family was reportedly refused authorization to visit him in prison on account of an extended public holiday period in connection with the Iranian New Year. When at the end of the holiday period, on 5 April 1992, his wife renewed her request for a visit, she was handed her husband's will dated 18 March with a vague indication that her husband had been executed and that his execution was related to charges levelled against him during a previous detention in 1987, when he had been accused of belonging to the Baha'i faith. No death certificate was allegedly given to her, no formal information was provided on the charges or verdict, and her request to receive his body for burial by the family was also refused.

34. Mr. Bahman Samandari and four other Baha'is were previously arrested on 21 October 1987 and charged because of their membership in the Baha'i community. They were released on 18 December 1987, after the title to Bahman Samandari's home had been turned over to the authorities together with money for payment of bail, following which he had to report at regular intervals to the headquarters of the Revolutionary Guards. The Special Representative must point out that there were no legal court proceedings prior to the arrest and execution of Mr. Samandari.

35. By the letter dated 24 November 1992, the Government of the Islamic Republic of Iran referred to the above-mentioned case as follows:

"Mr. Bahman Samandari has been a spy, and in numerous cases has involved individuals in his intelligence gathering activities. He has a corrupt personality and has frequently committed adultery with married women. He was once arrested on charges of spying several years ago but because of his repentance for previous conduct and the lightness of his charges, was released from the prison after a while. Although he is Baha'i by birth, his indictment had nothing to do with his belief, and the verdict issued has taken its legal procedure and approved by High Court".

36. On 27 April 1992, one person was hanged in Dizelabad prison at Kermanshah on charges of drug trafficking. Another 20 persons were also hanged,

allegedly for political reasons. Their property and money were confiscated by the authorities. One of those executed allegedly for political reasons was Mr. Mohammad Darabi.

37. The reply dated 24 November 1992, declared that:

> "During the first 3 months of 1992 only one person was executed in the city of Kermanshah on charges of carrying more than 200 kilograms of heroin and opium. He was a professional distributor of narcotic drugs in Kermanshah and has corrupted many innocent youngsters. There has been no case of political execution in Kermanshah, and Mr. Mohammadreza Darai is presently in prison after confessing that he was given the mission by the Mojahedin organization of planting bombs in various locations in Kermanshah city".

38. During the second half of April 1992, 45 people were allegedly executed in Tehran. Their bodies were taken to the Mesgarabad Cemetery in south Tehran. The names of five of those executed were given as follows: Mr. Lohaj Ali Ahmadi, Mr. Hamid Naderi, Mr. Mohammad Salami, Mr. Sarmadi and Mr. Beshar Shabibi, who was handed over to the Iranian authorities by an Iraqi opposition group, the so-called Patriotic Union of Kurdistan (PUK). No reasons were officially given for their execution.

39. In addition to the executions mentioned above, it was reported that 28 other persons were executed during the month of April at Beresht-e-Zahra, allegedly for political reasons.

40. In its reply of 24 November 1992, the Government of the Islamic Republic of Iran stated that:

> "In the month of April, there were no political executions in Tehran. The alleged names listed were not recognized by any respective organs in the Islamic Republic of Iran. The Mojahedin organization, which supported Saddam Hussein in suppressing the Iraqi people's uprisings, has claimed that its forces were captured by Kurdish Iraqi Groups (Patriotic Unity of Iraqi Kurdistan) during the skirmishes, and the latter submitted them to Iran. However, it must be mentioned that tens of members of the aforementioned organization, who were savagely active in murdering and looting of the Kurdish population of Iraq, were killed while engaging anti-Saddam forces; thus, the people listed probably belong in this category".

41. On 26 May 1992, the Iranian newspaper Jomhuri Islami reported that 15 persons were hanged in Tehran on 25 May 1992, after being found guilty of propagation of corruption on earth and distribution of narcotics.

42. According to a dispatch from Reuters of 10 June 1992, Tehran Radio announced on 11 June 1992 the execution of four people in the holy city of Mashhad, Khorasan Province. Their names were given as follows: Mr. Javad Ganjkhanlou, Mr. Golamhossein Pourshirzad, Mr. Ali Sadeqi and Mr. Hamid Javid. They were all arrested at Mashhad on 30 May 1992 in connection with the riots in that city. They were convicted of various charges including creating terror, destroying public security by use of arms,

destroying public property and setting fire to government buildings. Mr. Ali Sadeqi was also charged with burning books, including the Holy Qur'an, because he was reportedly a leader of the attack on an Islamic Publicity Organization building in which a library containing copies of the Qur'an were burned. Five other persons were sentenced to death by the Islamic Revolutionary Court of Mashhad in connection with the riots in that city.

43. With respect to these allegations, the Government, by letter of 24 November 1992, reported the following:

> "Djavad Ganjkhanlu, Gholamhossein Pourshirzad, Ali Sadeghi and Hamid Javid, hooligans who had several convictions and imprisonments for theft, battery, and other misconducts, were arrested during a riot by a group of hoodlums in Mashhad. Since these four persons confessed to the murder of two innocent residents of Mashhad, and to looting and assault of several small businessmen who were defending their rights, they were sentenced to execution upon the request of the public prosecutor. In the course of the court proceedings, which lasted about one month, the juridical authorities of Khorasan Province decided upon the sentences of execution. But because of public demand for their immediate punishment, a Special Delegation was dispatched to Khorasan Province by the Supreme Judicial Council to supervise court proceedings; consequently the verdict for their execution was confirmed by the High Authorities and carried out accordingly".

44. On 11 June 1992, the official Islamic Republic News Agency announced that four people had been hanged and five others had been sentenced to death by the Islamic Revolutionary Court of Shiraz for their part in the May riots in that city. One of those who was executed was named Masoud Gholami. According to a dispatch from Reuters of 11 June 1992, Mohammad Karami, prosecutor of the Islamic Revolutionary Court of Shiraz, stated that Masoud Gholami had a criminal record including charges of stabbing and smuggling narcotic drugs, and that he had terrorized and attacked the public on the day of the riot.

45. On 28 June 1992, the Iranian newspaper Kayhan reported that seven people were hanged at Shiraz, Fars Province, after being found guilty of possession and distribution of 500 kilograms of heroin.

46. On 15 July 1992, the Iranian newspaper Kayhan reported that 13 people, including 4 Afghans, were hanged at Birjand. Ten of them were executed on charges of buying and selling drugs. The three others, all of Afghan nationality, were found guilty of illegal entry into Iran, armed robbery, drug trafficking and the murder of an Iranian soldier.

47. On 27 July 1992, 15 people were executed at Hamadan on drug trafficking charges. Among those executed were Mr. Jafar Mo'ezzani, Mr. Rastegar and Mr. Hassan Baqalian.

48. On 28 July 1992, the Iranian newspaper Jomhuri Islami reported that 15 members of a drug trafficking ring which allegedly produced and distributed 2 tons of heroin were hanged in Tehran.

49. On 30 July 1992, 16 persons were hanged at Hamadan at the prison of the city. No reasons were given for their execution. It has been reported that these persons were executed following summary trials which failed to meet minimum internationally recognized standards. Trial hearings before Islamic Revolutionary Courts were held in camera, inside prisons, with defendants having no access to legal counsel and no right of appeal.

50. It has been reported that Mr. Yahya Kafshdar, a young man arrested on charges of alcohol trafficking, died as a result of torture while in detention in the compound of the "Organization for the Defence of the Good Custom" of Ardebil. His corpse was handed over to his father, who was allegedly forced to sign a document stating that his son had died as a result of intoxication.

51. It was reported that in many cases prison authorities do not hand over the corpses of those executed to their relatives. Such was the case of Mr. Morteza Yazdi, born in 1965, son of Seyfollah, who was executed in Evin prison in 1989 in spite of the fact that he was serving an eight-year prison sentence. The authorities allegedly only sent to his parents a communication asking them to deposit 510 rials in a current account and informing them of the number of his tomb.

52. With respect to the allegations raised under the right to life, the Government of the Islamic Republic of Iran, by letter of 24 November 1992, stated the following:

> "... It is necessary to take note of the fact that the problem of narcotic drug trafficking in the Islamic Republic of Iran constitutes the main crime for which the majority of capital punishment verdicts are issued. It is of a vital importance to reiterate that, the verdicts issued by respective courts were not implemented, unless after due process of law, initiation of appealing process upon the request of accused, exercise of the right to petition and requesting for pardon by the convicted person after the endorsement of verdict by a judicial authority of the Supreme Court.
>
> "In this regard I draw the attention of the Special Representative to the following observation: The issue of drug trafficking, which is a most devastating menace, has created serious social and economic problems for my country. To safeguard the lives of our people, we have organized a comprehensive campaign against illicit drug trafficking, for which we are spending a significant portion of our national funds.
>
> "As a result of this campaign many drug trafficking connections have been destroyed and the criminals have been tried. If one takes into consideration the seriousness of the situation, one would naturally conclude that any compromise with these smugglers would endanger not only Iran, but also any other country to which such drugs are directed. Consequently, to prevent these serious crimes, drug traffickers must be held responsible for their actions to the full extent of the law. As such, the prosecution of drug traffickers should not be considered a violation of individual rights, but rather as a guarantee of the fundamental rights of all people against the dangers of international trafficking bands".

53. The following other cases or incidents concerning the right to life have been reported.

54. On 30 May 1992, during incidents and demonstrations at Mashhad, Khorasan Province, members of the Islamic Revolutionary Guards Corps of the Pasdaran and other security forces responded with excessive force and opened fire indiscriminately on demonstrators. During demonstrations and riots at Bokan, 8 people were reportedly killed and 20 others wounded by the security forces.

55. By the same letter dated 24 November 1992, the Government stated the following:

> "A number of members of the outlawed Kurdish Democratic Party, by infiltrating the country, intended to create rebellion in the city of Boukan. Although they numbered fewer than 20, they were confronted by the common people and disciplinary forces, 2 of whom were killed and 6 wounded. During this attack, four Kurdish Democratic Party members were also killed and two were arrested. Because of the mountainous terrain, the others managed to escape. Shortly after, an enormous group of local people showed their disgust towards the said party through various, widespread demonstrations. This outlawed party's goal is the disintegration of the country and the establishment of an independent Kurdish government in the Western part of Iran. Towards the end, they attempted to create panic and intimidation among the people, by forcing them into submission, by taking them as hostages, and by looting their possessions and money. Their domicile is in North of Iraq, and they had a close relation with the Iraqi regime up until two years ago".

56. It was reported that Mr. Hatan Djahanguiri Zadeh, 26 years old, has been sentenced to death by the Islamic Revolutionary Court of Tabriz on charges of being a sympathizer of the so-called Democrat Party. He has emphatically denied supporting any political movement. His trial was allegedly held in camera and he reportedly had no access to legal counsel.

57. By the letter dated 24 November 1992, the Government stated that "According to the investigations conducted, no previous records have been cited regarding Hatan Jahangiri-Zadeh. During 1992, no political prisoners in Tabriz have been sentenced to execution".

58. In early August 1992, Mr. Fereidoun Farokhzad-Araghi, an Iranian poet, movie actor and showman, was stabbed to death in his home at Bonn, Germany, allegedly by Iranian government agents. After the 1979 Islamic revolution, he was imprisoned and then released and finally escaped from the country. Some four years ago, he began producing a one-hour weekly radio programme for the radio station "Voice of the Flag of Freedom Organization of Iran". He had reported to this organization that Dr. Javad Ghodssi had warned him about his anti-regime activities. Mr. Ali Gholami, allegedly an agent of the secret police, and Mr. Morteza Rahmani-Movahhed had reportedly also threatened to kill him if he would not collaborate with the regime. Mr. Farokhzad-Araghi took part in a film, Vienna my Love, which was considered anti-Islamic by some Iranian authorities.

59. On 11 November 1992, the Special Representative addressed a letter to the Permanent Representative of Germany to the United Nations Office at Geneva requesting his Government to provide any information it might be able to on the investigation into the above-mentioned crime.

60. On 5 January 1993, the Permanent Representative of Germany to the United Nations Office at Geneva addressed a letter to the Special Representative stating the following: "In the case of Mr. Fereidoun Farokhazad-Araghi, investigations have not furnished any proof of participation of Iranian officials in the assassination".

61. The Government of the Islamic Republic of Iran in its reply of 24 November 1992, stated the following:

> "According to the German police investigations, the murderer of Feridoun Farokhzad was a homosexual and his motivation was sex-related, not a political matter. Although the above information has not been proved and the investigations continue, the Embassy of the Islamic Republic of Iran in Bonn has announced its readiness to collaborate with judicial and police authorities. At the same time, it has demanded urgent measures to identify Farokhzad's murderer or murderers. The person who killed Farokhzad is most assuredly an opponent of the Iranian regime. Mr. Farokhzad condemned the Mojahedin's collaboration with Saddam in a meeting held in Canada, and a number of Iranians who gathered there had joined him in deeming them Saddam's mercenaries and spies".

62. With regard to the assassination of Mr. Kazem Rajavi at Coppet, Switzerland, on 24 April 1990, it was reported that requests addressed by the Investigating Magistrate of the Canton of Vaud to the Iranian police through the intermediary of Interpol of Tehran have so far met with only partial responses. According to the newspaper Le Courrier of 22-23 February 1992, investigations have confirmed the involvement of 13 persons, among them Mr. Yadollah Samadi, an Iranian citizen aged 33, and Mr. Mohammad Said Rezvani, also an Iranian citizen, aged 34.

63. The Permanent Representative of the Islamic Republic of Iran to the United Nations in his letter of 24 November 1992, referred to the Rajavi case as follows:

> "Regarding Kazem Rajavi's terror, the Embassy of the Islamic Republic of Iran in Bern has requested the Swiss judicial authorities to provide further information regarding the suspects, and to create proper channels for the desired cooperation. The request was also raised and followed up during several meetings of the Minister of Foreign Affairs and his Deputy with Swiss authorities. Swiss Ministry of Foreign Affairs officials promised to render their cooperation in this regard, but up to this moment they have not offered any assistance".

64. With respect to the assassinations of Mr. Shahpour Bakhtiar, the last Prime Minister before the Islamic Revolution, and Mr. Katibeh Fallouch, his secretary, it was reported that Mr. Zeyal Sarhadi, an Iranian citizen aged 25, was extradited to France by the Swiss authorities on 26 May 1992. Mr. Sarhadi is accused of participating in the preparation of the crime and of aiding the

killers to escape to Switzerland. Other persons charged with complicity in the crime were Mr. Massoud Hendi, former chief of the Iranian Radio and Television in Paris, charged on 21 September 1991; Mrs. Fereshteh Djahanbari, allegedly linked to the Iranian Intelligence Services, charged on 28 September 1991, and Mr. Ali Rad Vakili, imprisoned in France on 27 August 1991. According to French press reports, Mr. Massoud Hendi has implicated the Iranian Interior Ministry in the plot to kill these persons. Mr. Hendi is said to have helped the three alleged assassins by providing two of them with false visas to enter France and false Turkish passports to facilitate their escape.

65. It was further reported that the Investigating Magistrate, Mr. Jean-Louis Bruguière, issued a warrant for the arrest of Mr. Mohammad Azadi and Mr. Farydoum Boyer-Ahmadi, suspected of direct involvement in the assassinations, and Mr. Hossein Sheikhattar, adviser at the Iranian Ministry of Telecommunications, for complicity in the crim . Another person allegedly involved, Mr. Amirola Teimoori, Iran Air chi[illegible] airport security at Orly Airport, was reportedly released from custody on 1 November 1991.

66. The Government of the Islamic Republic of Iran referred to the Bakhtiar case in its reply of 24 November 1992, as follows:

> "In regard to Shapur Bakhtiar's terror, the investigation still continues. The Government of Iran has on several occasions cooperated with French police and judicial authorities. Neither the propounded claims by the French mass media nor the reports circulated by the opposite parties in order to disturb the bilateral relations between France and Iran have been endorsed by the police or judicial authorities".

67. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegations concerning the right to life.

68. On 24 April 1992, Mr. Abbas Narou'i was hanged in public in Sirjan, Kerman Province. No reasons were given for his execution.

69. On 23 June 1992, Mr. Mostafa Ortegli was hanged in Qom, Central Province. No reasons were given for his execution.

70. It has been reported that two members of the Kurdish opposition group Komala, Rahman and Towfiq Aliasi, were executed in June and August 1992, respectively, in Sanandaj Prison. In both cases the prison authorities merely handed over their clothes to their relatives and informed them that they had been executed. The televised confessions of Towfiq Aliasi, reportedly obtained as a result of ill-treatment or torture, were broadcast on local television in Sanandaj in August 1992.

71. On 9 September 1992, the Iranian newspaper Salam reported that Mr. Faramarz Souri was executed in public in Kermanshah, Kermanshah Province, after receiving 99 lashes. No reasons were given for his execution.

72. On 8 September 1992, two persons were hanged in public in Baneh for political reasons. Their names were given as follows: Mr. Saleh Amin Pour, aged 35, and Mr. Hassan Saidi, aged 26.

73. On 8 September 1992, a member of the Iranian Air Force, Colonel Sadeghe Rabani, was shot in Isfahan, reportedly for political reasons.

74. On 9 September 1992, a young man named Babak was hanged in public in Tehran, after being found guilty of the murder of Mr. Rashide Aghai, a member of the Bassij resistance forces.

75. According to a dispatch from Agence France Presse of 10 October 1992, 19 persons were hanged in Tehran on 26 September 1992, on charges of buying and selling drugs.

76. On 27 September 1992, nine persons were executed in Kermanshah, Kermanshah Province, after being sentenced to death by the Islamic Revolutionary Court of Kermanshah for distributing drugs.

77. On 29 September 1992, nine persons were executed in Tehran. No reasons were given for their execution.

78. According to the Iranian newspaper Kayhan of 28 September 1992, two unnamed persons were executed in Tehran during September 1992. No reasons were given for their execution.

79. On 18 October 1992, two unnamed persons were hanged in public in Hamadan, Hamadan Province. No reasons were announced for their execution.

80. According to a dispatch from Agence France Presse of 19 October 1992, 17 people were hanged in Tehran and 3 others in Kermanshah, on 18 October 1992, after being found guilty of possession and distribution of narcotics.

81. On 21 October 1992, the Iranian newspaper Ressalat reported that a medical student named Hamid, aged 25, was executed in Tehran. No reasons were given for his execution.

82. On 22 October 1992, Ressalat reported that Mr. Abdolbaqi Imambai was executed in Tehran. No reasons were announced for his execution.

83. On 26 October 1992, Kayhan reported that Mr. Alireza Narou'i was executed in Shiraz, Fars Province. No reasons were announced for his execution.

84. On 1 November 1992, a woman named Fatima Bani was stoned to death in Isfahan, and Mr. Javad Rahimzadeh was hanged in public in Mashhad, Khorasan Province. No reasons were given for their execution.

85. On 4 November 1992, Ressalat reported that Mr. Ardeshir Kyanpour was hanged in Mehdishahr, Semnan Province. No reasons were announced for his execution.

86. On 8 November 1992, Kayhan reported that Mr. Mohammad Hassan Rezaii was executed in Tehran. No reasons were given for his execution.

87. It has been reported that these persons were executed following summary and unfair trials which failed to meet minimum internationally recognized standards. Trial hearings were held in camera, inside prisons, with defendants having no access to lawyers, no right to call witnesses in their defence and no right to appeal.

88. It was also reported that most of these executions have been carried out publicly and in groups. Some victims have been stoned to death, hanged, shot, or subjected to flogging before being executed.

89. According to the Iranian newspapers Kayhan, Ressalat, and Salam, the following persons have been sentenced to death by the Islamic Revolutionary Court of Tehran: Mr. Ebrahim Haqshenas, Mr. Ahmad Rajabi Analoheh, Mr. Shahnaz Azadi and Mr. Hassan Moqadassi Some'eh Olia. Mr. Gholam Reza was sentenced to death by the Islamic Revolutionary Court of Abadeh, Fars Province.

90. Concern has been expressed to the Special Representative about the continuing endorsement by the Government of the Islamic Republic of Iran of threats to the life of the author Salman Rushdie. On 2 November 1992, Ayatollah Yazdi, Head of the Judiciary, stated that "the historic Fatwa and order by the Leader of Muslims, Imam of the Ummah, proclaimed in his capacity as the Religious Leader to all Muslims and religiously incumbent on any Muslim, is not analysed and examined within a purely political and diplomatic framework". On 10 November 1992, Ayatollah Morteza Moqtadaei, Head of the Supreme Court of Justice, stated that "carrying out the order against the apostate Rushdie is an obligation for all Muslims, whether Shi'ite or Sunni. The Fatwa is an irrevocable Islamic order endorsed by 40 Muslim States. No authority, whether in Iran or abroad, can change this Islamic decree".

91. It was also reported that, on 2 November 1992, Ayatollah Hassan Sane'i, Head of the 15th Khordad Foundation, which in 1990 set a US$ 2 million reward for Rushdie's death, stated that the bounty had been boosted dramatically. He pointed out that, after the execution of the Fatwa, the reward would be immediately paid to the person who carried it out. He added that "If this verdict is executed by Rushdie's relatives, the reward offered by this Foundation will be boosted considerably".

92. On 6 November 1992, the Special Representative requested the Government of Japan to provide him with any information it would be able to make available to him with regard to the investigations into the assassination of Professor Hitoshi Igarashi, who translated the novel of Salman Rushdie entitled The Satanic Verses into Japanese. Professor Igarashi was murdered at Tsukuba University in Ibaraki City on 12 July 1991.

93. On 8 January 1993, the Permanent Mission of Japan to the United Nations Office at Geneva reported the following:

> "The Permanent Mission of Japan has the honour to inform you, under instructions from its home Government, that ever since Mr. Hitoshi Igarashi was found dead at around 8 o'clock on 12 July 1991 within the premises of the Tsukuba University, the case has been vigorously investigated: however, the investigation has to date borne little fruit as to the identity of the perpetrator or other relevant information".

94. On 11 November 1992, the Special Representative requested the Government of Germany to provide him with any information with regard to the investigations into the assassinations of four leading members of the "Kurdistan Democratic Party of Iran - Qassemlov Faction" in Berlin. On 17 September 1992, Mr. Sadiq Charafkandi, Secretary-General of the party, Mr. Fattah Abduli, representative of the party in Europe, Mr. Mulayun Ardalan and Mr. Nuri Dehkurdi were assassinated while they were in Berlin, reportedly participating in a meeting held by the Socialist International.

95. On 5 January 1993, the Permanent Representative of Germany to the United Nations Office at Geneva reported the following: "As far as the assassination of four leading members of the 'Kurdistan Democratic Party of Iran' are concerned, investigations by the district attorney in Berlin are still being carried out".

96. The Special Representative also requested the Government of Germany, on 11 November 1992, to provide him with any information it would be able to make available with regard to the death of Mr. Rassoul Sadeghian Raddani in March 1992, in Essen. The Special Representative had received information that this person, who was hospitalized at the Ronal Klinik at Essen, for the treatment of severe injuries caused by chemical weapons during the Iran-Iraq war, was attacked and wounded by knife, while taking a walk in front of the hospital, allegedly by members of the organization "People's Mojahedin of Iran".

97. On 5 January 1993, the Permanent Representative of Germany to the United Nations Office at Geneva reported the following:

> "As to the case of Mr. Raddani, allegedly assassinated by members of the organization 'Peoples Mojahedin of Iran' in Essen, competent police authorities could not confirm such allegations. A post-mortem examination, that was called for by the district attorney, came to the conclusion that Mr. Raddani had died of the consequences of severe injuries caused by chemical weapons during the Iran-Iraq war, for the treatment of which he was hospitalized in Essen. Additional external effects leading to the death of Mr. Raddani were excluded after the post-mortem examination".

B. Enforced or involuntary disappearances

98. The Special Representative wishes to point out that the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights has

transmitted to the Government of the Islamic Republic of Iran a total of 500 cases of missing persons, one of which was reported to have occurred in 1992. So far only one case has been clarified by information received from non-governmental sources.

99. By the same letter dated 24 November 1992, the Government of the Islamic Republic of Iran stated that:

> "The Islamic Republic of Iran has worked closely with the Working Group on Enforced or Involuntary Disappearances and have responded to all the claims. In the view of the Islamic Republic of Iran, the propounded claims are baseless. It has therefore requested from the Working Group more precise information concerning these findings with complete specifications on the individuals to make the feasibility of investigation possible in this regard, the Islamic Republic of Iran is ready to fully cooperate with the Working Group on Enforced and Involuntary Disappearances".

100. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegation.

101. It has been reported that Mr. Bahman Qahramani disappeared in 1988 after being detained in the city of Yasooj, on political charges. The fate of this person remained unknown. No investigation appeared to have been carried out by the Government in spite of numerous inquiries by his relatives.

C. Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

102. It has been reported that the prohibition of all forms of torture for the purpose of extracting confessions or acquiring information contained in article 38 of the Constitution of the Islamic Republic of Iran continues to be flouted.

103. In the letter dated 24 November 1992, the Government replied that "The Islamic Republic of Iran has taken decisive measures to prevent the arbitrary behaviour of judicial personnel, and denies the above-mentioned and basically irresponsible accusations".

104. Common methods of physical torture reportedly include suspension for long periods in contorted positions, burning with cigarettes and, most frequently, severe and repeated beating with cables or other instruments on the back and the soles of the feet. Beatings can last for hours at a time, with guards taking turns inflicting lashes. It was reported that sometimes a blanket or cloth is stuffed into the victim's mouth to stop him or her from screaming and making it hard to breathe properly. Usually the victims are blindfolded and strapped to a kind of bedstead, or held down by guards sitting on their backs. Some prisoners were unable to walk at all when the beating ended, and had to drag themselves back to their cells along the floor. Some still bear scars on their feet years after the beatings took place. Prisoners have described how

their legs would swell and their clothing would be stained with blood from the feet to the thighs as a result of beatings. Beatings on the back have often resulted in serious kidney problems.

105. It was said that for political prisoners stress and uncertainty were constant pressures. Prisoners have been kept blindfolded for hours or days at a time, so that they became disoriented and insecure. Torture and arbitrary punishment could reportedly occur at any time, without warning. Prisoners were usually tortured immediately following their arrest, but could be subjected to torture at any time during their imprisonment, both before and after trial.

106. It has been reported that torture and other forms of physical or psychological ill-treatment were applied not only to obtain information but also to extract statements; sometimes the torture was recorded on film. Other arbitrary punishments include being kicked or punched, made to stand without moving for hours or days at a time, cancellation of family visits or reduced food.

107. On 24 November 1992, the Government of the Islamic Republic of Iran stated, with regard to the three preceding paragraphs, that:

> "The laws of the Islamic Republic of Iran do not permit such inhumane behaviour towards prisoners and detainees, and the monitoring system of inspection and control would detect any illegal behaviour and punish the delinquents in accordance with the law. Examples of disciplinary punishments meted out by the executive organs of the judicial branch were duly reported to the Special Representative on his third trip to Tehran, and there is a list of such information annexed to document E/CN.4/1992/34 of 1992. In addition, at the session of the high court of law for discipline of attorneys, which took place on 9 November 1992 in the presence of the members of the court of law, the Chief of the judicial branch, the Chief of the State Supreme Court, the Chief of the first branch of the disciplinary court of attorneys and disciplinary prosecution of attorneys, the cases of two delinquent attorneys were investigated and after due discussions and consultations, a verdict for the permanent suspension of their law practice was issued".

108. The specific cases described below were reported to the Special Representative.

109. The torture of Mr. Khalil Akhlaghi while in detention in the prison of Shiraz was reported. He was born in 1939 at Ghenaveh, Bushehr Province, son of Gholamali and former employee of the Iranian Electronic Industry. He was arrested in November 1989 and held for 14 months in solitary confinement during which he was allegedly submitted to physical and psychological torture. He was reportedly beaten frequently with electric wires on the soles of his feet to the degree that he began to find it extremely difficult to sleep and even to walk properly without experiencing pain. Because of blows to his face and head, he has also lost all hearing in his right ear. As a result of these tortures, he allegedly agreed to copy prewritten documents with his own hand and sign them. This was called by the authorities a "confession of spy activities".

110. It was also reported that Mr. Akhlaghi was arrested and tried by virtue of the accusations made against him by Mr. Bahram Dehghani, son of Zin-Al-Abedien, also charged with spying. However, Mr. Dehghani, in a document written and signed by him in 1990 and submitted to the Islamic Revolutionary Court of Shiraz, stated before God that he, Mr. Akhlaghi and other persons were totally and completely innocent of all charges. He added that he had made the accusations under physical and psychological torture inflicted during his interrogation.

111. By its letter dated 24 November 1992, the Iranian Government stated that:

> "The claims regarding Mr. Khalil Akhlaghi were investigated by a special delegation assigned by the chief of the prisons organization, and no sign of misconduct was observed. During his detention period, Mr. Khalil Akhlaghi, was given leaves of absence several times and regularly enjoyed long visits with his family".

112. Also reported was the torture while in detention in Evin prison of Mr. Mohammad Rahim Bakhtiari, a football player arrested in September 1991. The reasons for his detention are not known.

113. Further reported was the torture while in detention in the Security and Information Office of Agahi neighbourhood, Tehran, and in Evin prison, of Mr. Hossein Dashtgerd, a soccer referee arrested in September 1991. The reasons for his detention are also not known.

114. Reported was the psychological torture while in detention in Masjed Soleiman prison of Mr. Jahanbakhsh Khosravian Cham Piri (prison identity card No. 524). He was arrested, on his return to Iran from India, on charges of drug addiction. Prison authorities allegedly said to his family that he had become mad as a result of his addiction to drugs. He categorically denied being an addict and stated that this accusation had ruined his reputation and his chances for employment in the future.

115. The Government of the Islamic Republic of Iran, with regard to the three preceding paragraphs, replied that "no records have been found regarding Mohammad Rahim Bakhtiari, Hossein Dashtgerd and Khosravian Champiri".

116. No measures are known to have been taken during 1992 to establish legal or procedural safeguards against prisoners being tortured.

117. In its reply, the Government stated that "as mentioned earlier the constant control and inspection for the correct implementation of the regulations of laws, prevention of torture, and misconduct of prisoners have been enforced in recent years".

118. Although the Iranian press has apparently ceased to report the infliction of cruel, inhuman or degrading punishments such as amputation, it has reported some cases of flogging.

119. According to a dispatch from Reuters of 10 June 1992, an unspecified number of people were sentenced to be flogged by the Islamic Revolutionary Court of Mashhad for their part in the May riots in that city.

120. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegations.

121. The Iranian newspaper Abrar reported, on 5 November 1992, that on 3 November 1992 five people were condemned to finger amputations on charges of stealing. Their names were given as follows: Mr. Ali Nazeri, aged 36; Mr. Farshid Qanbari, aged 22; Mr. Qorban Ali, aged 36; Mr. Mohammad Ali Shushtari, aged 25; and Mr. Mehdi Isma'ili. The verdicts were carried out in front of the offices of the Ministry of Justice in the city of Sari, Mazandaran Province, in the presence of judges, employees and more than 200 people.

122. On 8 September 1992, two brothers named Hossein and Farbuel, respectively, were reported to have been subjected to a flogging in public in the city of Tabriz.

123. According to the newspaper Salam of 5 August 1992, "Several days ago a group of unidentified motorcycle riders splashed paint on the faces of some sisters in Vanak square and fled in an ugly act". The newspaper added that "Authorities should take measures to stop such acts because they are sometimes attributed to pious Basijis", referring to members of the Bassij resistance forces under command of the Revolutionary Guards Corps. The report in Salam followed repeated charges of maltreatment of women whose Islamic covering was not right. Iran's Islamic laws require women to wear loose, cover-all garments and show no more than their face and hands in public. Offenders are punishable by up to 74 lashes and may be jailed or fined.

124. According to the Iranian newspaper Jahan-e Islam of 10 October 1992, the Commander of the Security Forces of Kermanshah Province reported that 248 persons were arrested and sentenced to 30 to 90 lashes during September 1992 in Kermanshah Province, on charges of illegitimate relationships, harassment, and drinking alcohol. A number of those arrested were also given prison terms.

D. Administration of justice

125. It has been reported that common and political trials in the Islamic Republic of Iran continue to fall far short of internationally accepted standards for fair trials. In particular, trials in Revolutionary Court are almost always held in secret, inside prisons; proceedings are summary, with no possibility for the detainee's family or even for defence counsel to attend.

126. It has been reported that the law guaranteeing all defendants the right to appoint an attorney does not in fact provide for qualified legal counsel and does not safeguard the right to legal representation provided for in article 35 of the Iranian Constitution and article 14 of the International Covenant on Civil and Political Rights, on the grounds that any Muslim is eligible to represent the accused in court. The bill approved by the Assembly for Determination of Exigencies of the State refers only to an attorney (Vakil), who apparently need not be a legally qualified professional, and not to an attorney-at-law (Vakil-e-Dadgostari), a qualified lawyer. Such a person

would not, according to article 14 (d) of the International Covenant on Civil and Political Rights and international standards, be considered competent to assist a defendant in preparing the defence or to inform the defendant of his or her legal rights.

127. Furthermore, it was said that no mention is made of the defendant's right to have a lawyer assigned to him/her if he/she is unable to appoint one, and no provision appears to have been made guaranteeing the defendant the right to apply to the Supreme Court if his/her right to have access to legal counsel and to be represented in court by a lawyer is not respected.

128. It was also said that the new bill, in its present form, fails to guarantee the defendant's right to legal counsel in accordance with article 35 of the Constitution of the Islamic Republic of Iran (which provides that both parties to a lawsuit have the right in all courts of law to select an attorney and that, if they are unable to do so, arrangements must be made to provide them with legal counsel), and with Precedent No. 71/62, Decision No. 15, established in 1984 by the General Board of the Supreme Court of Iran. This precedent stated:

> "Involvement of the counsel briefed by the Government, in case the accused may not have personally named an attorney, is essential in cases where the main punishments of that crime could be the death sentence or life imprisonment. ... This precedent shall be binding on all benches of the Supreme Court and other courts in similar cases in accordance with the Single Article of the Law on Judicial Precedent ratified in 1949".

It was further said that the new law guaranteeing the defendant's right to appoint an attorney, legally now in operation, has not been applied in practice. It was also said that this law was not retroactive and consequently no sentences handed down before the law came into force, albeit in the absence of defence counsel, were declared null and void.

129. By the letter dated 24 November 1992, the Permanent Representative of the Islamic Republic of Iran to the United Nations stated the following:

> "According to the laws of the Islamic Republic of Iran, there are no limitations regarding the right to an attorney by the accused. This means that the accused has the right to choose any person whether or not he is an attorney or not, and the court officially recognizes this right of the accused. Thus using the mere word 'attorney' (as approved by the National Council of Urgency) does not create any legal limitation in this regard. Many examples of the participation of attorneys in court speak the truth of this assertion. Thus, the credibility of the aforementioned is completely denied. As previously stated the accused has total freedom of choice in acquiring an attorney, and in the event of the financial inability of the accused, the court has the duty to provide a court appointed attorney. Based on the reiteration of the Chief of Judicial Power and the Chief of Prosecution of the Revolution no verdict can be issued and no trial can be held, without the accused exercising his right to choose an attorney. *The lack of this measure leads to nullification* of the issued verdict, and the violators shall be judged under the prosecution of the disciplinary prosecutor's office".

130. It has been reported that the continued absence of an independent association of lawyers in the Islamic Republic of Iran undermines the principle that lawyers must be allowed to carry out their professional duties without fear of intimidation and pressure from authorities. The election of members of the Bar Council, which had been scheduled to take place on 9 October 1991 was postponed indefinitely. On 8 October 1991, an act on the reform of the Iranian Lawyers' Association was passed, empowering a "Reform Council" to dismiss certain lawyers from the legal profession before any election could be held. The members of the "Reform Council", appointed by the Head of the Judiciary, must dismiss lawyers who had served in certain government posts before the establishment of the Islamic Republic; individuals "who have participated in rebellions against the Islamic Republic or have acted effectively in support of unlawful groups"; and "members of pernicious sects or organizations whose aims are based on the denial of sacred religions". It was also reported that the current President of the Bar Association was appointed by the Ministry of Justice in 1982.

131. On this allegation, the Government stated the following:

> "'The Committee of Attorneys' is active according to law, and the legal conditions of membership in this committee have been determined by law, according to the Islamic Assembly Council. Clearly, a good reputation and the lack of any past misconduct, are logical and understandable requirements for the election of the attorneys; thus, the claims and allegations of the Special Representative in most of aforementioned cases are unrealistic and the result of incorrect preconceptions".

132. It was further reported that other basic safeguards for a fair trial, such as the right of prisoners to be tried without undue delay, to bring witnesses on their behalf and the presumption of innocence, are still lacking.

133. By its letter dated 24 November 1992, the Government stated the following:

> "The serious effort of the judicial power is based upon the fact that the entire legal procedure, from the initial arrest of the accused up to the issuance of the verdict and its implementation, should be observed, and existing laws provide for the legal rights of the prisoner, including the rights of trial without delay and the calling of witnesses. The judicial body, upon being informed of any violation, shall place the matter under investigation. In the Islamic Republic of Iran, disciplinary forces, which based on the permission of the judicial authorities, have the right to arrest suspicious persons or those guilty of committing crimes, must deliver the criminal after 24 hours to the judicial authorities according to procedure; the judicial authorities additionally are mandated to complete and expedite the case, and for the issuance of a judicial verdict, must submit the latter to superior committees. Sometimes, due to protests from the accused, investigations regarding the crimes, the depositions of witnesses, or often due to the accused's request, the process of handling a criminal case may be prolonged; however, despite that, the State Supreme Court will try to reduce the time to a minimum, by following up existing cases in courts".

134. It was alleged that political prisoners have no way of being sure how long they will remain in prison. Those who are tried may not be informed of their sentence for weeks or even months. The sentence itself begins only on the day of the judgement; lengthy periods of pre-trial detention are not subtracted from the prison term. Even when the sentence expires, prisoners may not be released unless they have "repented".

135. The reply by the Government of 24 November 1992 stated that:

> "As previously mentioned, any actions toward arrested persons and convicts is conducted according to law, and the courts, according to the criteria and by-laws of their respective branches, will determine the amount of bail, deposit and parole. Additionally, prior to the issuance of any verdict of imprisonment, the court shall state the period of stay in detention in the final verdict and calculate any factor in the previous period of time served in detention".

136. It has been said that prisoners' attempts to organize group activities have led to harsh punishment. This allegedly has applied not only to actions such as protests against prison conditions, but even to organizing a study group or physical exercise.

137. It has been alleged that many prisoners are still held in prison years after the expiry of their prison sentences and that their release appears conditional on their agreeing to sign a statement of repentance. Some political prisoners have been released only after agreeing to give videotaped interviews, sometimes lasting several hours, in which they confess at length to their alleged wrongdoings, denounce their political organization and pledge support for the Islamic Republic. These interviews may then be shown on television.

138. On 24 November 1992, the Government of the Islamic Republic of Iran replied that:

> "No prisoner is held except under the provisions of the court's verdict, and in the case of any deviation, the issue will be placed under investigation. In accordance with the law, the accused must be treated by the authorities of the courts and prisons in a humanitarian manner, and no one is permitted to impose action such as repentance or record a videotaped interview under pressure".

139. In other cases political prisoners are required to sign statements condemning their organizations and pledging that they will not take part in political activities in the future. It was further said that they are obliged to pledge property and have a relative stand as guarantor for them. Should the released prisoner not return to prison when summoned, the guarantor may be called in his or her place as a substitute prisoner. Prisoners may also be required to sign statements that they will not speak to anyone about their experiences of imprisonment.

140. It has been reported that prisoners on leave must register at designated Islamic Revolutionary Committees and must also keep in contact with the prison authorities. Such leave may be either for a specific period of days, weeks or

months, or may be indefinite. However, even if the leave is for an unspecified period, there is no doubt that their files remain open at the prison and that they are still considered prisoners and may be recalled to the prison at any time for interrogation or to complete their prison terms.

141. The Special Representative has received reports of the arrest of hundreds of persons following demonstrations and riots in several Iranian cities.

142. It was reported that at least 30 persons were arrested in Kahrizak district, Kermanshah, on 1 March 1992. On 2 March 1992, at least 10 persons were arrested following demonstrations at Khajeh Nassir University in Tehran. During a house-to-house search at Jaafarabad, Kermanshah, on 4 March 1992, 89 persons were arrested. On 11 March 1992, 90 persons were arrested at Ramhormoz and 28 persons were arrested in Mahshahr. On 4 April 1992, several persons were arrested during demonstrations at Tabriz, East Azerbaijan Province, and during violent incidents at Takab, Azerbaijan. On 5 April 1992, 46 persons were arrested at Mashhad. On 14 April 1992, 100 persons were arrested at Dargaz, Lorestan Province.

143. In its reply of 24 November 1992, the Government stated that:

> "The claims contained in the two preceding paragraphs are baseless and even in some cases contain imaginary names of cities. However, as it was mentioned before, safeguarding the public order and security is the task of the disciplinary forces; thus, in some indicated cities, the officers were rightfully obligated to arrest the rioting elements. The dimensions of the said claim in the above paragraph have been enlarged, and the scope of operation of the disciplinary forces and the number of the cases of riots are of far less magnitude than indicated".

144. According to a dispatch from Reuters of 11 June 1992, on 15 April 1992 there took place riots at Shiraz, Fars Province, during which two petrol stations, a police station and 15 vehicles were set on fire or destroyed. Other sources reported that at least 60 persons were arrested following those riots. During April 1992, incidents and demonstrations also took place at Khorramabad, Lorestan Province, and Chahar-Mahal, Bakhtiari Province.

145. The Government replied on 24 November 1992 that:

> "The scope of the riots which took place in the city of Shiraz on the above-mentioned date, and the manner in which it was claimed, have been grossly exaggerated.
>
> "Nevertheless, as the Special Representative has pointed out, the acts of hooligans, including attacks on police stations, setting fire to vehicles and two petrol stations, consequently led to the appropriate response of disciplinary forces to maintain order and security. In regard to the event which took place in Khorramabad, the incident was related to a gathering of a group of supporters of a selected candidate of that constituency, following the announcement of the results of the elections to the Islamic Assembly Council which had a local scope, and

lacked any kind of opposition to the rule of the Islamic Republic of Iran. The reports of Reuters and other news sources are denied in this regard".

146. On 9 May 1992, at least 165 persons were arrested at Ahar. On 10 May 1992, 61 persons were arrested at Kharameh, a town near Shiraz. These incidents were reportedly followed by 260 arrests after violent demonstrations at Arak, Central Province, during which some government buildings and banks were burned and several vehicles were destroyed.

147. On this allegation, the Government stated, on 24 November 1992, that:

"The claims regarding the arrest of 165 persons in the city of Ahar are denied. Additionally, in respect to the events in Kharameh, some locals resorted to the destruction and damage of shops and business places of some of their opponents. The disciplinary forces, due to personal claimants and complainant, and to prevent the expansion of the disputes and to maintain public order and security, arrested the persons responsible in order to render them to the appropriate judicial authorities".

148. The demonstrations on 20 and 21 May 1992 at Shustar provoked the declaration of a state of siege in that city, followed by a large number of detentions. On 30 May 1992, a series of protests took place at Mashhad, Khorasan Province, apparently sparked off by incidents such as attempts by municipal authorities to destroy illegally constructed dwellings and forcibly evict their inhabitants. During the rioting at Mashhad more than 100 government buildings, banks and stores were burned or wrecked, according to a Reuters dispatch of 10 June 1992. The Special Representative received reports that the authorities officially had announced that 300 persons were arrested following the riots. Other sources reported, however, that the real number of detainees was several times higher. On 10 June 1992, 130 persons were reportedly arrested at Bukan.

149. The Government in its reply, of 24 November 1992 stated that:

"There was a gathering of one of the candidate's supporters (in relation to the fourth terms of the election of the Islamic Consultative Assembly at the city of Shoushtar), but there were no arrests, and the situation in the city returned to normal. The received reports, and the report of Reuters, are denied".

150. The Head of Judiciary, Ayatollah Mohammad Yazdi, was quoted by Reuters on 1 June 1992 as saying that a number of experienced judges had been assigned special briefs to deal with the perpetrators of the Mashhad disturbances. Some officials described those arrested as "corrupt on earth" and "insurgents". The Khorasan provincial governor, Ali Jannati, was reported to have said that the interrogation of more than 300 detained people indicated the involvement of "foreigners and agents of arrogance".

151. According to a dispatch from Reuters of 10 June 1992, an unspecified number of people were sentenced to long prison terms by the Islamic Revolutionary Court of Mashhad for their part in the May riots in that city.

152. The Iranian news agency IRNA reported on 11 June 1992 that the Supreme Leader of the Islamic Revolution, Ayatollah Ali Khamenei, urged the authorities to "seek out troublemakers and eradicate them like weeds". It also quoted Mr. Mohammad Karami, Prosecutor of the Islamic Revolutionary Court of Shiraz, as saying that 45 people were sentenced to between 4 months and 10 years' imprisonment for their role in the Shiraz riots of 15 April, and that 20 more people were still being tried.

153. With regard to the preceding paragraph, the Government replied that:

> "The officials of the Islamic Republic of Iran have legal authority to take the necessary measures to secure public order and peace within the context and conventional standards approved by legal and international criteria".

154. According to a dispatch from the Associated Press of 10 June 1992, the spiritual leader of Iran, Ayatollah Ali Khamenei, told the Majlis that the incidents at Mashhad, Shiraz and several other cities were "led by small, hidden and masked counter-revolutionary elements".

155. It has been reported that those people were sentenced following unfair trials and procedures which were not consistent with internationally recognized standards of fairness. Some of those trials resulted in death sentences, and a number of people were sentenced to be flogged and/or to long-term imprisonment, while a number were yet to be tried.

156. In its letter of 24 November 1992, the Government stated the following:

> "The judicial power severely opposes any prosecution and trial of the accused against the judicial procedure in accordance with the acknowledged standards, and as it was stated, no judgement without observation of the above-mentioned criteria is legal or dispensable. Also no verdict for execution shall be issued and implemented before undergoing several key legal processes at the following stages: the right to appeal; referral of the case to the State Supreme Court, the request for pardon after having had the endorsement of the verdict of execution by the State Supreme Court; and, awaiting response".

157. It was further reported that the Iranian Government had set up a special anti-riot Pasdaran unit called the Army of Ashora (Sepahian-e-Ashora) to crush any future demonstrations and riots in the major cities of Iran.

158. In response to this information, the Permanent Representative of the Islamic Republic of Iran stated, in the letter dated 24 November 1992, that:

> "Following the mischievous acts of local hoodlums in the cities of Shiraz, Mashhad, Shoushtar and Ramhormoz, the disciplinary forces arrested some of the instigators under warrants from the judicial authorities, and most of them were released after being given guidance. The rest of the cases mentioned are baseless, and there have not been any anti-government protests or riots in the cities mentioned".

159. On 30 July 1992, there took place at Shush house-to-house searches during which Mr. Hassan Hori, Mr. Reza Kalachi and Mr. Ahmad Ghiyassi were reportedly arrested.

160. It has been reported that the authorities have failed to provide any information on the names and situation of most of those arrested, except the names of some of those arrested who were subsequently executed.

161. The Special Representative has received information on the following specific cases of detention arbitrarily imposed.

162. The arbitrary detention was reported, on four different occasions, of Mr. Ali Zahmat Keshan in Baluchistan Province, for political reasons. He stated that the unjustified arrests had ruined his reputation and damaged his job. He demands to be rehabilitated.

163. The arbitrary detention was further reported of Mr. Ismail Barzegar, by the Office of the Ministry of Justice at Rasht, Gilan Province, on suspicion of collaborating with an armed gang. The accusation was proved to be unfounded. He demanded to be rehabilitated and to receive social and economic assistance.

164. The arbitrary detention was reported of Mr. Gholam Reza Koushki, born in 1953, son of Mr. Seyyed Wali (identity card No. 514 issued at Sanandaj), on suspicion by the Office of the Revolutionary Attorney of Khorramabad of being a collaborator of the so-called Fedayin Organization-Majority Line. The accusation was proved unfounded and he was consequently released. However, he has lost his job as a teacher and, as a result of his imprisonment, the General Office of Education has withdrawn his teaching licence, thus preventing him from exercising his profession.

165. The Special Representative has also received reports of the following cases of alleged impunity of government officers:

(a) A founder of the Nohovat Foundation has reportedly been charged with misappropriation. He was accused of dealing dishonestly with property entrusted to him and sentenced to two years' imprisonment. However, he was promptly released;

(b) A former chief of the Police Information Office, suspected of organizing armed gangs, has allegedly been removed from his post. However, no judicial action has reportedly been initiated against him.

166. With regard to the preceding paragraph, the Government replied, on 24 November 1992, the following:

> "First of all the Nabovat Foundation was a 100 per cent private establishment which was banned three years ago by the prosecutor general, following charges of financial abuse. Secondly, the accused in the case was tried in accordance with the law, and following the investigation of the Court of Appeal, the accused was sentenced to punitive imprisonment. Therefore, the validity of this claim is denied. Thirdly, the chief of the Investigations Department was arrested, following the accusations

against him, and he was put under detention. At present, the accused is awaiting the completion of his file and the trial. The dismissal of one of the chiefs of the investigation department was due to incompetent management, and the charge of armed robbery is not applicable to him. The reports received do not correspond to the truth".

167. The Special Representative requests information from the Government regarding the situation of the prisoners listed in annex I to the present report.

168. On 22 January 1992, the International Committee of the Red Cross (ICRC) started to visit prisons in the Islamic Republic of Iran, at the request of the Iranian Government and on the basis of an agreement setting forth the ICRC standard procedures, in particular, access to all detainees, interviews without witnesses, repetition of visits and confidentiality of its delegates' observations. It was said that some difficulties were encountered in fully implementing the agreement. On 21 March 1992, while ICRC was negotiating with the Iranian authorities, it was notified by the Ministry for Foreign Affairs that all its activities were to be stopped and its 15 delegates obliged to leave Iranian territory.

169. According to an ICRC press release dated 27 March 1992, to justify their decision the Iranian authorities made accusations against ICRC concerning the manner in which it was fulfilling the mandate conferred on it by the third Geneva Convention of 1949 in respect of Iraqi prisoners of war and conducting the activities it had undertaken in the country's prisons, on the basis of the bilateral agreement. ICRC categorically denied these accusations and stated that all its activities in the Islamic Republic of Iran were conducted in compliance with the principles guiding its operations everywhere in the world and that it had therefore always worked openly with the Iranian authorities. ICRC also stated that it was extremely concerned by the consequences in humanitarian terms of the interruption of its activities, in particular since there were more than 20,000 Iraqi prisoners of war on Iranian territory, several thousand of whom remained in captivity, many of them for over 10 years.

170. With reference to the two preceding paragraphs, the Government of the Islamic Republic of Iran replied:

> "Considering the situation which has developed regarding the status of the office of ICRC in Tehran, unfortunately, the normal activities of this office have been suspended. Nevertheless, in cases of finding a practical mechanism for the continuation of the Committee's activities, the Islamic Republic of Iran is prepared to review the matter, even prior to the removal of the obstacles concerning the initiation of the activities of the ICRC office in Tehran".

171. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegations.

172. The Iranian newspaper Abrar of 19 October 1992 reported that "Independent courts are going to be formed to try offences committed by children older than seven and below the religious age of puberty". According to the Canon Law, the age of adolescence is considered to be 14 for boys and 9 lunar years for girls. On 5 July 1992, Tehran Radio reported that according to the bill for the establishment of juvenile courts, for crimes punishable by sentences of one or more years of imprisonment under tazir, a judge and a counsellor will preside over the courts.

173. The Iranian newspaper Jomhuri-Islami of 22 September 1992, reported that the Commander of the Security Forces of Khuzistan Province stated that "2,400 persons were arrested in Khuzistan for propagating social corruption between March and August 1992".

174. The Special Representative requests information from the Government regarding the situation of the following prisoners:

(a) Mr. Abdollah Bagheri, a former member of the Kurdish opposition group Komala who was arrested at the beginning of November 1992 outside Mariwan, close to the Iraqi border. The precise date of his arrest and his present whereabouts are unknown. Abdollah Bagheri was reportedly no longer a member of Komala at the time of his arrest, but had been an active member of the organization for several years;

(b) Mr. Seyed Ali Sharifioun, who is being held at a labour centre affiliated to Ghom Prison. He was arrested on 2 March 1989 and sentenced to 15 years' imprisonment after a trial which allegedly failed to meet internationally recognized standards. During the first part of his trial, Mr. Sharifioun had no access to legal counsel. Later, the Islamic Revolutionary Court of Ghom accepted the appointment of a lawyer but refused to deliver the file of the trial to him, preventing also any visit between lawyer and defendant. Mr. Sharifioun's real estate and personal property have been confiscated;

(c) Mr. Hans Bohler, a Swiss businessman, aged 51, who was arrested in March 1992 while working for a Swiss telecommunication company. Mr. Bohler is facing charges of corruption and having illegal contacts with Iranian nationals.

E. Freedom of expression, opinion and the press

175. It has been reported that the constitutional guarantees of freedom of expression and freedom of the press contained in article 24 of the Constitution of the Islamic Republic of Iran are largely ignored. The President of the Republic, in the course of a meeting with the former Minister for Culture and Islamic Guidance on 26 January 1992, stated that "criticism and discussion of problems in the press, dailies and periodicals, and in an open environment, without bearing grudges and without hatred, can help the growth and development of society". None the less, it was said that, in reality, any criticism of the Government or its policies remains subject to punishment and is perceived to be potentially dangerous because it could serve the enemies of Islam.

176. In its reply of 24 November 1992, the Government stated the following:

> "It seems that in an equitable investigation, regarding the status of press and freedom of expression in the Islamic Republic of Iran, whereas, there are more than 28 newspapers and 450 publications, in addition to the hundreds of volumes of books which are being translated, compiled or written by local writers, most of which are printed and distributed by private printing houses, the conclusion may easily be reached that freedom of the press within the context of the laws of the Islamic Republic of Iran is one of the most valuable achievements of the post-Islamic Revolution. In fact, among newspapers with wide circulation in the Islamic Republic of Iran, at present, the number of newspapers expressing opposition views towards the Government is higher than the number which are supportive of and tolerant towards its critics. Nevertheless, the press is obliged to observe respect for public opinion and is not permitted to dishonour the national and religious beliefs of the people, be they Muslim or from official minorities and this principle forms the baseline for the policies of the Islamic Republic of Iran towards freedom of the press, expression and opinion".

177. It was reported that while the Iranian media do not lack variety, they are by no means free and that radio and television broadcasts are subject to extensive self-censorship and censorship.

178. In its reply of 24 November 1992, the Government stated that:

> "According to the press laws, any individual who wishes to publish may do so by obtaining permission to be issued by a committee comprised of one judge, a representative of the press, a representative of people at the Islamic Consultative Assembly, and a representative of the Government. There is no monopoly for publication imposed by the Government, and in recent years the Government has directly supported the press through appropriation of subsidies".

179. An editorial of the Iranian newspaper Tehran Times of 27 July 1992 stated the following: "Most newspapers were afflicted with self-censorship or with a kind of party and group vengeance because, after the victory of the revolution, officials in charge of the country's important newspapers were mainly comprised of two parts: those who desired to use the newspapers as a ladder of success to reach higher State posts or those who left posts as ministers and top officials and fell in status and turned to the press to be present in the country's politico-economic scene". The newspaper added, "It is below the dignity of the Islamic Revolution of Iran that, after 13 years, a permit for the set-up of the country's syndicate of journalists has not been issued under conditions when land and automobile brokers have established their powerful unions with government permits. The Iranian Journalists' Society still lacks a syndicate".

180. It was further alleged that the Government's monopoly on newsprint has served as a highly effective censorship mechanism owing to the private sector's limited access to resources.

181. It was said that possession of a typewriter, photocopier, computer, fax machine or short-wave radio not registered with the authorities incurs severe punishment.

182. It was also reported that many valuable archives, notably concerning the Islamic revolution, have been destroyed.

183. On 18 April 1992, the Secretary of Qom Theological School, Ayatollah Fazel Lankarani, called on the authorities to be more careful in supervising publications. He appealed to the President to remove counter-revolutionary elements and those against Islam from cultural institutions and urged the judicial authorities to react seriously towards any insult against Islam and bring those guilty to justice, according to the Tehran Times of 20 April 1992.

184. It has been reported that in April 1992, the sports monthly Farad was banned on charges including apostasy after accusations that the magazine had insulted Islamic society for having published a caricature of a football player which allegedly resembled the late Imam. Its editorial chief, Mr. Nasser Arabha, and its designer were arrested and are reportedly awaiting trial. The magazine's premises were burned by a mob.

185. It was reported that the premises of the cultural weekly Donya-é-Sokhan were also burned subsequent to its prohibition by the authorities. Its editorial staff were reportedly arrested.

186. It was further reported that the feminine weekly Zan-é-Rous was banned by the authorities.

187. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegation.

188. On 28 September 1992, the Provincial Supervisor of the Iranian newspaper Kayhan in East Azarbaijan and a reporter of that newspaper were arrested and beaten for reporting that the Governor of the Central Part of Tabriz was ousted from his post for violating the law. The arrests were reportedly ordered by the Governor of Tabriz, Mr. Najafi Azar, who considered that this news was a blow to his prestige, since the Governor of the Central Part had been appointed and brought to Tabriz by him.

F. Political rights

189. It was reported that in the election campaign for the parliamentary elections of 10 April the candidates were not allowed to print posters or to hold rallies because these were supposed to be "Western style" electioneering.

190. It was further reported that the qualifications of 39 former Majlis deputies were not confirmed by the screening committees of the Guardians Council. Among those disqualified were reportedly six ulema. The applications of one third of the over 3,000 candidates were turned down, according to the newspaper Salam of 8 April 1992.

191. The former Heavy Industries Minister, Mr. Behzd Nabavi, in an open letter, demanded that the Council publish the reasons for his rejection in the press. Hojjatoleslam Sadeq Khalkhali stated that he did not know why he was disqualified. According to Salam of 8 April 1992, he said: "We have repeatedly told the Guardians Council to publicly state our offences, but so far no one has told us anything and we have not been asked for a question and answer session. If we are treated in such a manner, think what will happen to others".

192. The Association for Women of the Islamic Republic criticized, on 6 April 1992, the disqualification of several female candidates by the screening committees of the Guardians Council. It further deplored the rejection of several women candidates who it said have been and are among "the most pious and committed personalities of the Revolution and have sacrificed their most beloved ones for the stabilization of the Islamic Republic system".

193. According to the Tehran Times of 16 April 1992 members of the police at Boroujen had stepped in to scatter two groups of political opponents who were on the verge of a serious fight near a polling station on 10 April 1992. However, the Majlis deputy from Boroujen, Mr. Davoud Towhidi, stated at the Majlis on 14 April that the police had physically abused some voters at polling booths and even opened fire on them.

194. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegation.

195. It has been reported that Mr. Qorban Ali Salehabadi, former Deputy of the Majlis (Islamic Consultative Assembly) from Mashhad, was sentenced to two years' imprisonment by the Islamic Revolutionary Court of Tehran "for his efforts to undermine the regime of the Islamic Republic of Iran".

G. The situation of women

196. The Special Representative has received reports that Iranian women continued to be banned from pursuing studies in agriculture, engineering, mining and metallurgy, and from becoming judges. In higher education, women are reportedly banned from 91 fields of study out of 169, 55 fields out of 84 in technology and mathematics and 7 out of 40 in natural sciences, and from all 4 fields of agriculture. It was reported that in the faculties of Letters and Humanities, out of 35 fields only 10 are available to women. Strict sexual segregation of teachers and students has allegedly resulted in the closure of many schools for girls owing to a lack of female teachers, overcrowding of classes and a severe decline in standards. In rural areas in particular, this has allegedly meant a denial of education to girls. It was said that more than 40,000 women elementary and high school teachers were fired by the Government during the period 1980-1985. Concern was voiced over reports indicating that 89 per cent of rural Iranian women are illiterate.

197. It was further reported that the employment rate for women has been drastically reduced, from 13 to 6.5 per cent. It has also been stated that women have to obtain the official permission of their husbands in order to work or to travel abroad.

198. Other reports indicate that men have the right to marry four wives and an unlimited number of "temporary" wives; judges see divorce as the exclusive right of men. Women cannot have custody of their children unless there is no father or grandfather, and if a woman refuses to meet her husband's demands she loses her rights to shelter, food and clothing. It was further reported that the practice of polygamy and of short-term marriages has become widespread.

199. Further, it has been reported that women can inherit only half as much as men, that women are segregated from men on public transport and that the public display of women's sports is subject to several restrictions. It was also said that the marriage of nine-year-old girls is sanctioned.

200. Concern continues to be voiced over legal provisions requiring women to observe Hijab by showing no more than their face and hands in public, wearing clothes that must completely cover their bodies. According to reports received by the Special Representative during 1992, arrests of Iranian women for non-observance of the full Islamic dress code or wearing make-up, colourful garments or adornments have continued. Offenders may receive a maximum of 74 lashes, be jailed or heavily fined, or be released after signing a commitment to observe the Islamic dress code.

201. It was reported that on 16 May 1992, several women were arrested in Tehran on charges of disregarding the Islamic dress code. The arrests were reportedly made during a search-and-control operation carried out in private companies, clinics and public places, including the Tehran suburbs, by the forces of the Greater Tehran Security District.

202. It has been further reported that 165 improperly veiled women were arrested on 7 June 1992 in Tehran by security agents implementing a new plan to combat social corruption; 139 women were reportedly released after signing a commitment to observe the Islamic dress code.

203. On 21 July 1992, several women were reportedly arrested in Tehran and Shiraz by groups of Guards and Bassij forces, on charges of violating the dress code. The women were reportedly taken by buses to unknown locations.

204. On 22 July 1992, several women were reportedly arrested at Roudsar, Isfahan and Ahwaz for being improperly veiled.

205. On 1 August 1992, groups of Guards and Bassij forces reportedly arrested several women in Tehran, Qazvin and Ghorgan for being improperly veiled. It was further reported that two guards poured green paint on the head and face of a woman arrested on Jomhouri intersection in Tehran.

206. It was further reported that two girls and a woman and her two children, were arrested on improper-veiling charges at Shahsavar.

H. Right to work

207. It was reported that Mr. Amir Askari, a civil engineer employed by Djihad Sazandegui c.a.d., an organization charged with the country's reconstruction, suffered a serious accident while he was working, as a result of which he was dismissed from his job. Numerous appeals and letters demanding medical and social assistance from that organization have been answered by stating that all demands against Djihad Sazandegui c.a.d. are inadmissible. Mr. Askari declared his support for the Government but not for the labour policies of his former employer. He is responsible for 10 people who depend on him for their subsistence.

208. It was also reported that Mr. Morshed Ali, an almost blind man who has been dismissed from his job, has written numerous letters and appeals to the authorities requesting them to give him back his job or, alternatively, to give him social assistance. He has allegedly never received a response.

209. It was reported that Mr. Gulam Reza Koshki, a teacher of Larstaan, Khoramabad, had his teacher's permit withdrawn in 1987 as a consequence of his detention in 1986 on charges of participating in the creation of an opposition group, the so-called Hakhgar Fedayan Khalq Organization. He was released in 1987 after he reportedly gave guarantees not to collaborate with opposition groups in the future. Since then, he has reportedly had no opportunity to get a job.

I. Right to education

210. It was reported that Mr. Mohammad Ziai Pour was expelled from the University of Tehran because he did not agree to fill in forms concerning his ideological beliefs, citing reasons of principle. The university refuses to give him his certificates, thus preventing him from continuing his studies at another university or abroad.

211. Subsequent to his interim report to the General Assembly, the following allegations were transmitted by the Special Representative to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1993.

212. On 19 October 1992, the Director of Renovation, Development and Equipment of Schools of the Ministry of Education stated that "112,000 classrooms are needed across the country to improve the quality of the existing educational centres".

213. On 7 September 1992, the Director-General of Nomadic Affairs of Isfahan Province stated that "Through 1991, there were only five classes for 9,000 members of the Bakhtiari nomads who are required to receive education".

J. Right of everyone to own property

214. It was reported that Mr. Ismail Movasseghian, an 81-year-old resident of Ardebil, East Azerbaijan, suffered the arbitrary closure of a gymnasium on his property. He allegedly had all the necessary authorizations, in spite of which Mr. Djazaeri, Director of Public Places, and Mr. Abbas Seyyed Hatami,

Director of Physical Activities and Sports, arbitrarily ordered the closure of his establishment and the arrest of its director. Several appeals to the Office of the Inspector-General, to the Office of the Attorney and to the Deputy Minister for Sports have received no reply.

215. It was reported that Mr. Mehdi Hadji Moniri, a former Director of Civil Aviation of Iran and a veteran air force officer expert in the administration of the aviation industry, had his property confiscated for unknown reasons, without compensation. His real estate and personal property have reportedly been sold and their ownership transferred to the Government. Several petitions addressed by him to various Iranian authorities have never been answered.

216. It was further reported that the Iranian authorities confiscated, without compensation, the personal property and real estate of Mr. Hassan Nazih, former Iranian Minister for Oil, together with that of his wife and four children. Several petitions addressed by him to several Iranian authorities asking the reasons for the confiscations have never been answered.

217. It was also reported that the private property of Mr. Satar Salimi was confiscated without compensation. The property, valued at US$ 10 million, included a collection of antiques and more than 5,000 books and manuscripts. His sister-in-law, Mrs. Amir Hossein Salimi, has recently received a governmental order of eviction from her flat, located in Kargar-e-Chomali No. 60, 17 Avenue, Tehran, where she is living with her children. They have reportedly no resources to rent other lodgings.

K. Freedom of religion and the situation of the Baha'i community

218. The Special Representative has received reports that prominent Christian religious leaders and lay persons continued to be persecuted solely because of their religion. Although Christianity is one of the four religions officially recognized by the Government, it was said that in practice recognition includes only several hundred thousand ethnic Armenians and Assyrians and not believers with a Muslim background or Muslim converts. It was further said that although the Islamic legal system proclaims tolerance of different religions, its prohibitions against conversion from Islam create an environment of religious intolerance. Mr. Mehdi Dibaj, a church leader and former Muslim, continues to be held in prison because of his religious belief.

219. It was alleged that some Iranian newspapers have blamed the Zoroastrian community in Iran for the reported phenomenon of conversion of some Iranian Muslims outside Iran and have associated them with political dissidents. It was further said that Zoroastrians in Iran were afraid that any information about their problems and alleged restrictions would produce more hardship and that the authorities would consider that they were creating adverse publicity.

220. Also reported were alleged restrictions on the followers of the Ahlehagh faith.

221. It has been reported that, since 1979, Baha'is have been systematically persecuted, harassed and discriminated against for their religious beliefs and that 201 Baha'is have been killed; 15 other Baha'is have disappeared and are

presumed dead. It was further reported that after a cessation of executions for a period of three and a half years, Mr. Bahman Samandari, a member of the Baha'i community in Iran, was arrested on 17 March 1992 and executed in Evin prison in Tehran on 18 March 1992 (see para. 33 above). At the time of writing, no reason for his execution had been given by the judicial or prison authorities, nor has the location of his grave been disclosed.

222. It was reported that Mr. Hassan Mahboubi, a prominent leader of the Baha'i community in Iran, was run over on 21 July 1992 under strange circumstances.

223. It was reported that Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, two Iranian Baha'is who were arrested three years ago, have recently been called before prison authorities where they were orally informed that an Islamic Revolutionary Court had issued a verdict condemning them to death because of their Baha'i faith. The trials which resulted in the death sentences for the above-mentioned persons took place without the assistance of defence lawyers. Two Muslim lawyers were reportedly engaged by the defendants but, having taken some initial steps, they found themselves unable to continue and resigned. During his third visit to the Islamic Republic of Iran, the Special Representative met with these people in Evin prison in Tehran.

224. It was further reported that on 17 June 1992, Mr. Ruhu'llah Ghedami, a Baha'i from the village of Muzaffariyyih, was brutally murdered at the hands of two members of the "Disciplinary Forces" of the Government. It was alleged that the murderers were acting in the hope of impunity, as the Baha'is enjoy no protection under the Constitution of the Islamic Republic of Iran and are referred to as belonging to the "wayward Baha'i sect" in official government documents. However, in this case the two killers were apprehended and imprisoned by the Iranian authorities who reportedly seem to be dealing with this crime in a serious and judicial manner. The two killers appear to have acted on their own.

225. It was said that the arbitrary arrest and detention of Baha'is continue in Iran. On 1 April 1992, Mr. Hussain Eshraghi, an elderly Baha'i, was arbitrarily arrested at his home in Isfahan and is still in prison. On 21 May 1992, four women were arrested at Sari. Three of them are Baha'is and were accused of talking about the Baha'i faith to the fourth person, a 22-year-old girl. Recently, three of the women were released after interrogation while the other remains in custody. Similarly, on 31 May 1992, a Baha'i woman was arrested at Shahinshahr, Isfahan, and charged with talking about the Baha'i faith to one of her non-Baha'i friends. Both women were detained. Recently the non-Baha'i woman was released. It was reported that, as at 1 July 1992, the total number of Baha'is imprisoned in the Islamic Republic of Iran was 10.

226. For over 12 years Baha'is have been systematically denied access to institutions of higher education such as universities and colleges. However, Baha'i children and youths who had been expelled have been allowed to return to elementary and secondary school. It was further reported that Baha'is were also experiencing serious difficulties in circulating Baha'i books among

themselves and in holding classes to instruct their own children in spiritual and moral values. In January 1991, the Ministry of Information ordered the closing of Baha'i children's classes throughout Iran.

227. Neither Baha'i marriages nor divorces are legally recognized in the Islamic Republic of Iran. Baha'is continue to be deprived of inheritance rights. For the past 12 years, the Baha'i community has been denied the right of assembly and the right to elect and maintain its administrative institutions. These institutions constitute the core of religious community life, considering that there is no clergy in the Baha'i faith. Without administrative institutions the very existence of the Baha'is as a viable religious community is said to be seriously endangered. As individuals, Baha'is are officially considered "unprotected infidels" and, therefore, their civil rights and liberties are often ignored. The non-recognition of their religion manifests itself in various ways, including the denial of the basic right to express their religious beliefs freely.

228. It was also reported that many Baha'is in Iran continue to be deprived of the means of earning a living. A considerable number of the more than 10,000 Baha'is who were dismissed from positions in Government and education remain unemployed and receive no unemployment benefits. Some Baha'is dismissed from government posts have even been required to return salaries or pensions paid to them. The retirement pensions of Baha'is dismissed on religious grounds have been terminated.

229. On 28 October 1989, the Office of Insurance and Pensions of the Army stated that the pension of a dismissed captain was suspended because of his membership in the "misguided Baha'i sect" and in accordance with a letter dated 27 August 1984 by the Islamic Revolutionary Army Court.

230. On 24 September 1991, the Director of the Office of Insurance and Pensions of the Ministry of Defence and Support of the Armed Forces sent a letter which states: "Based on the information received, you are a Baha'i and therefore not entitled to pension payments. However, should you convert to Islam and demonstrate remorse for having been a Baha'i and further provide this office with proof that you have embraced Islam, steps will be taken to restore pension payments to you".

231. On 20 November 1990, the Preliminary Committee of Reconstruction stated that a technician of the Institute of Public Health Research of Tehran University, who retired after 24 years of service, had been found guilty of the "crime of membership" in the Baha'i sect and therefore permanently dismissed from his government post and that his pension had been discontinued. On 12 January 1991, the Eighth Branch of the Court of Administrative Justice stated: "Based on the penal code and the existing records, the judgement by the preliminary Committee of Reconstruction being still in force, there are no legal grounds to pay the pension or to bring back the file into circulation. The complaint is therefore dismissed and this judgement is final".

232. On 17 December 1991, the Review Committee of Administrative Offences of the National Steel Company of Iran of the Ministry of Mines and Metals stated: "In view of the fact that the offence committed by this retired employee is clear, in that he belongs to the misguided sect which is recognized as being

outside the domain of Islam, this constitutes the reason for his permanent dismissal from his government post. The employee can appeal this verdict within one month, bringing the matter to the attention of the Court of Administrative Justice for review".

233. On 24 June 1991, the Ninth Branch of the Court of Administrative Justice stated: "Due to the fact that membership in the misguided Baha'i sect, a sect which is considered to be outside Islam, is cause for dismissal from all government posts, with all that it might imply, and taking into consideration the fact that the complainant has not denied membership in the misguided sect, the Court does not find the complaint acceptable. This verdict is final".

234. On 5 May 1991, the committee in charge of administrative offences of the Ministry of Education and Development stated that a teacher of Ramsar had committed the offence of belonging to the misguided Baha'i sect, according to the second paragraph of article 19 of the law addressing administrative offences, and sentenced him to be barred from any government posts, according to article 13 of the above-mentioned law. This verdict was subject to investigation by the Review Committee.

235. Incidents of harassment have been reported in the cities of Karaj and Aran in Kashan where Baha'is were ordered to close their stores. Baha'is are not officially allowed to open their own businesses. Baha'i farmers are denied admittance into farmers' cooperatives which are often the only source of credit, seeds, fertilizer and pesticides.

236. It has recently been reported that elderly and widowed Baha'is were evicted from their homes. Over the years, large numbers of private and business properties, including homes and farms, have been arbitrarily confiscated from Baha'is. Many of these properties are being sold at auction with no consideration being given to the appeals of the Baha'is concerned.

237. A recent document issued by the Prosecutor of the Islamic Republic of Iran in Tehran states that a woman "is accused of affiliation with the wayward Baha'i sect" and, therefore, "she has been sentenced to complete confiscation of all her belongings", which are placed "under the authority of selected lawyers of the spiritual guardians".

238. On 23 May 1990, the Third Branch of the Islamic Revolutionary Court found a woman guilty of "belonging to the misguided Baha'i sect, of activities for its illegal administration, and of leaving the Islamic Republic of Iran". Therefore, an order was issued "to confiscate all her belongings, whether known or unknown, or whether she has registered them in her name or in the name of others". On 7 December 1991, the secretariat of the Court reported that "all her belongings were put at the disposal of the appointed Trustees of the Institution of Religious Leadership, following the decree of the Nation's Imam, sanctified be his noble Being".

239. It was further reported that Baha'i-owned holy places, historical sites, cemeteries, administrative centres and other assets, seized mostly in 1979, remain confiscated or have been destroyed. Having access only to those cemeteries which the Government has designated for them, Baha'is in many localities experience difficulties in burying their dead. It was further

alleged that Baha'is are not permitted to mark the graves of their fellow Baha'is, making it almost impossible to identify the graves of their loved ones.

240. The most recent wave of persecution is said to have profoundly affected a whole generation of Baha'is in the Islamic Republic of Iran. Reportedly, they have been repeatedly offered relief from persecution if they were prepared to recant their faith.

241. It was further reported that Baha'is are not free to leave the Islamic Republic of Iran, as it is almost impossible for them to obtain passports.

242. Keyhan newspaper published on 22 January 1992 an article which stated:

> "One of the major intrigues of the West t continue their domination of the Islamic communities has been the creation of trivial sects, Baha'ism and Vahhabism being two such examples. ... From the beginning of its appearance, Baha'ism has been an instrument of Western imperialism in the Islamic countries, especially in the Islamic Republic of Iran, in order to create religious dissension and to weaken the religious faith and fervour of the people. ... Relations with Israel, spying for Zionists, and connection with the CIA characterized the activities of this sect in the Pahlavi period".

243. Subsequent to his interim report to the General Assembly the following allegations were transmitted by the Special Representative to the Government of the Islamic Republic of Iran, by memorandum dated 23 December 1992.

244. It has been reported that Mr. Mohammed Sepehr, Rev. Hossein Soudmand's successor and also a Muslim convert to Christianity, was imprisoned in Mashhad in 1991 for several months for his faith.

245. The pastor of the Injili Church (Presbyterian church) of Tabriz was arrested, imprisoned and tortured from December 1990 to August 1991. He suffers from long-term psychological and physical injuries sustained while in prison. When he applied for an exit permit to leave Iran in June 1992, it was refused.

246. It was reported that the Iranian Bible Society, which was dissolved by the Government in 1990, is still closed. All Christian bookstores have been closed and all Christian books have been confiscated.

247. It was also reported that The Garden of Evangelism, a Christian training centre in north Tehran, was closed after 45 years of use for evangelism and pastoral training.

248. Rev. Mehdi Dibaj, a convert from Islam to Christianity more than 25 years ago, has been imprisoned and reportedly tortured for eight years. It was said that two of his eight years in prison were spent in solitary confinement in an unlighted cell measuring three feet by three feet. He was arrested in 1983 in the city of Babol and was held without cause until the Church paid

20,000 Rials as security for his temporary release. Shortly thereafter, he was again arrested and allegedly tortured in attempts to force him to renounce Christianity and embrace Islam.

249. It has been reported that of 15 pastors of the Assemblies of God of Iran, of which many of their members are Armenians and Assyrians, 10 have been imprisoned and endured emotional and mental abuse at some time.

250. It was also reported that in 1991, 20,000 copies of the New Testament, in Persian, were confiscated by the Government.

251. It has been reported that all Christian activities are checked by the Ministry of Culture and Islamic Guidance, which is responsible for religious minorities in the Islamic Republic of Iran. Christians must receive permission to print their church newsletters and are not allowed to build new church buildings. They are only allowed to renovate old church buildings provided they do not add any new construction.

252. It has been reported that Armenian and Assyrian Christians are not allowed to pray or read their sacred books out loud at home or in churches, lest Muslims hear their prayers; they are not allowed to print their religious books or sell them in public places and markets and they are not allowed to congregate in the streets during their religious festivals. Armenian and Assyrian Christians are not permitted to broadcast or display their ceremonial religious rituals on radio or television or to publish any picture of their religious ceremonies in newspapers and magazines and they are not allowed to install the cross on their churches or houses. Obtaining wine for communion services is severely punished and Christian schools must now teach the Islamic understanding of Jesus as "one of 120,000 prophets".

253. It has been reported that in September 1992, Iranian revolutionary institutions in Isfahan, Tehran and Yazd have confiscated a considerable number of private homes and other property belonging to Baha'is. In Yazd, the Imam Khomeini Foundation seized the homes of Baha'is and harassed the occupants. These occupations were carried out without any official order from the judicial authorities. Appeals and complaints to the authorities have not succeeded in restoring the properties. In Tehran, members of the Imam Khomeini Foundation are occupying a complex consisting of a large shop and 10 apartments, and two-storey residential building, against the will of the owner. Another member of the Baha'i community has been forcefully evicted from his home after being served an order by the Attorney-General that his house had been confiscated.

254. It has also been reported that another member of the Baha'i community, a resident of Isfahan, who is over 80 years of age, was ejected from his home in mid-September 1992 by several government officers who took possession of the building and took away all his books, numbering several thousand volumes. This person was not able to take anything with him and is now dependent on his friends. No appeal or complaint has been entertained by the authorities concerning his case.

255. Furthermore, officers of the Attorney-General of Isfahan have entered eight Baha'i homes in September 1992, taking away books, household items, television sets, recorders, cameras, radios and cash.

256. It was alleged that another member of the Baha'i community of Isfahan, who had donated a two-storey building to a Baha'i institution before the Islamic Revolution, retaining tenancy for life in one apartment while renting out the other as his only source of income, has been pressured to vacate the house, and the authorities have already compelled the tenant of the other apartment to leave the premises as well. It was said that, according to Islamic and civil law, he is entitled to occupy the building for life and no one has the right to eject him from it.

257. It has been reported that a dispatch from IRNA of 5 December 1992 stated that "Bahaism, with politically-oriented objectives, has always been supported by international Zionism and global arrogance".

L. The events of 5 April 1992

258. After the memorandum dated 25 September 1992 was sent to the Government of the Islamic Republic of Iran, the Special Representative was informed that at 7.20 a.m. on 5 April 1992, 13 F-4 Phantom combat aircraft of the Iranian Air Force attacked the Ashraf military base in Iraqi territory, which belongs to the Iran National Liberation Army of the People's Mojahedin. The attack reportedly resulted in the death of one member of the said organization and the wounding of 12 others; one aircraft was shot down and its two crew members were captured.

259. According to the Iranian press, the air attack was in retaliation for an attack carried out the previous day by members of the said organization against the villages of Bishigan and Bayani, situated near the Iraqi frontier in the province of Bakhtaran. During the attack, four Iranian citizens reportedly died, eight were wounded and seven were kidnapped. The People's Mojahedin denied that version, affirming that they had no access to the said Iranian zone from Iraq since the Iraqi zone adjacent to that section of the frontier was under the control of Kurdish forces, and that the real objective of the air attack was to assassinate their leader Massoud Rajavi, who had been the victim of an earlier attack in Baghdad, in December 1991.

M. The war on drug traffic

260. Various sources have reported to the Special Representative that the Iranian Government is continuing to give priority to repressive aspects in its fight against drug trafficking. The Islamic Republic of Iran continues to be affected by the introduction of opium, heroin and morphine from Afghanistan and Pakistan, destined primarily for Europe. In 1991, 175 Iranian security agents died in armed confrontations with gangs of drug traffickers. During the period from January to July 1992, at least 69 persons were executed after being sentenced for drug trafficking. The said sources recalled that the international instruments currently in force authorized the application of the death penalty only in exceptional circumstances and after judicial procedures in which all the conditions and guarantees of due process of law had been fulfilled. They affirmed that the fight against drug traffic could not be

based exclusively on repression and excessive application of the death penalty, but must be founded on an analysis of the causes and origins of this grave problem and its effects on society. The view was expressed that one must not think solely of punishing delinquents but also of the possibility of their reform, re-education and social resettlement.

N. The right to leave one's country and to return

261. Subsequent to his interim report to the General Assembly, the Special Representative transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, by letter dated 23 December 1992, the following allegations.

262. It has been reported that on 16 October 1992, Mullah Ahmad Jannati, delivering the Tehran Friday prayer sermon, criticized the return of "foreign educated Iranians as well as Iranian businessmen whose behaviour and indifference to revolutionary values could not be tolerated".

263. On 28 August 1992, Mr. Saeid Shafizadeh went back to Iran to visit his grandparents. Before he left the airport, he was reportedly stopped by Iranian authorities and asked to sign a paper renouncing his Baha'i faith. It was said that he refused to do this and was detained at the airport for several hours. Later, he was released in the custody of his uncle, who is a Muslim.

O. The situation of children

264. In the same memorandum dated 23 December 1992, the Special Representative also transmitted to the Government of the Islamic Republic of Iran, the following allegations.

265. On 26 October 1992, Kayhan reported that 12 to 13-year-old children are working in factories near Tehran. Salam of 8 September 1992 reported that "A huge number of youngsters and children work the night shifts in various production units in the Plasco Building in Tehran for 2,000 toumans a week".

266. On 14 December 1992, the Secretary-General of the Imam Khomeini's Relief Committee stated that "Due to extreme poverty and the absence of the basic needs for marriage, the deprived people living in Khorassan's northern areas sell their young daughters for up to 10,000 toumans. The buyers of these young girls mostly come from the Gonbad area, and take them there to work in the farms and workshops after being bought".

267. Kayhan of 21 October 1992 reported that 40 girls and boys were arrested by officers of the Department to Combat Social Corruption of the North Tehran Security District.

P. Situation of refugees

268. The Special Representative has received reports that there are at present 2.1 million refugees in the Islamic Republic of Iran; of these at least 2 million are of Afghan nationality and about 100,000 are Kurds and Shi'ites of Iraqi nationality. Most of the Afghan refugees have integrated

within the civil and economic life of the country, although about 300,000 are living in small settlements in rural areas which have sprung up along the frontier with Afghanistan. In August 1992, between 1,500 and 2,000 Afghan refugees were returning to their country every day, under the supervision of the Office of the United Nations High Commissioner for Refugees (UNHCR). It is estimated that a further million will return in the course of 1993.

269. The Islamic Republic of Iran has also received Iraqi refugees of Kurdish origin, who entered the country mainly in 1988 and 1991. According to reports received, the refugees of Kurdish origin, are also returning to Iraqi Kurdistan, although their return is hampered by the fact that the roads are blocked by snow during most of the winter. At present there are still about 60,000 Iraqi Kurds, who are mostly living in refugee camps in the north-west of the country.

270. The refugee population also includes some 40,000 Iraqi nationals of the Shi'ite Muslim religion who fled the disturbances in the south of Iraq following the Gulf war and are settled mainly in the south-west of the country.

271. According to reports received, the Afghan refugees have been authorized to undertake a small number of jobs, mainly in the construction sector; they enjoy a number of social benefits in the areas of health and hygiene, water supply, education and occupational training, provided by the Government of Iran and UNHCR. The World Food Programme (WFP) has also assisted the 300,000 Afghan refugees living in small settlements in rural areas; their situation presents no major problems, although there are incipient signs of rejection by the local population similar to that suffered by groups of foreigners living in other countries, and some refugees are having difficulty in enroling their children in schools.

272. The efforts of the Government of the Islamic Republic of Iran to care for the refugees of Iraqi nationality, both Kurds and Shi'ite Muslims, have also been supplemented by assistance from UNHCR and WFP.

Q. Victims of chemical-weapon attacks

273. The Special Representative continued to receive general information about the state of the victims of chemical-weapon attacks during the Iran-Iraq war, many of whom are receiving medical treatment in the Islamic Republic of Iran and abroad. According to the reports received, the chemical-weapon attacks occurred on 17 October 1981 and 25 June 1990, and were systematic in 1985; they mainly affected Iranian towns near the frontier with Iraq, especially Halabche, Abadan, Marivan, Bane, Sumar and Jofeir. The main weapons used were nerve gas, mustard gas, phosphoric gas, cyanide, nausea-producing gas and poison gas; they were fired from aeroplanes, helicopters and mortars. The attacks are reported to have resulted in the death of 7,065 persons and the wounding of a further 46,552, about half of whom are suffering from various degrees of disability.

274. The victims of the chemical-weapon attacks were both civilian and military. Most of the deaths were due to the effects of the poison gas and many others to the effects of mustard gas. Some survivors are currently

receiving medical treatment for lymphomas, tumors, leukaemia and anaemia, in various degrees. The genetic consequences have not yet been clearly determined.

III. CONSIDERATIONS AND OBSERVATIONS

A. General considerations

275. As stated in the introduction to this report, the Commission on Human Rights, through its resolution 1992/67 of 4 March 1992, extended for a further year the mandate of the Special Representative on the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, reiterating the terms of its resolution 1984/54 of 14 March 1984, the first relating to this country. The Commission requested the Special Representative to submit an interim report to the General Assembly and a final report to the Commission at its forty-ninth session. The Special Representative submitted to the General Assembly his report (A/47/617), which is an integral and fundamental part of the present final report. On 18 December 1992, the General Assembly adopted resolution 47/146, in which, inter alia, it expressed its deep concern at the continuing reports of human rights violations in the Islamic Republic of Iran, urged the Government of that country to resume its cooperation with the Special Representative and decided to continue consideration of the question at its forty-eighth session.

276. The interim report summarized the information received in 1992 up to the time of writing, i.e. late September. During the last few months of 1992 and the first three weeks of January 1993, further information has been obtained and this is set out in chapter II of the present report containing developments and allegations. The new data have been classified in the customary manner.

277. On 25 September and 23 December 1992, the Special Representative sent to the Government of the Islamic Republic of Iran a summary of the allegations received and requested it to send him detailed replies. The Iranian Government replied to the first memorandum on 24 November 1992 and announced that it would reply to the second in late January 1993. The second reply was in fact received on 29 January 1993.

278. Included in the note containing the Iranian Government's reply is the following passage:

> "You will concur that preparation of replies and comments to issues raised in the memorandum annexed to your letter dated 25 September 1992 requires correspondence with various branches of our departments in the Government and thus will require more than four weeks. Nevertheless, in continuation of our cooperation, I am enclosing a compilation of replies to your questions and comments to your statements. Responses to the remaining questions will be presented in a more appropriate time" (see para. 12).

279. The replies to the first memorandum have been incorporated in chapter II of the present report, and have been inserted according to subject and case, so that they appear immediately after the allegations made. The replies to

the second memorandum did not arrive in time to be incorporated in the main body of the report, but they do appear in an addendum to this document.

280. Outlined below are some of the most significant developments for an evaluation of the effective existence of human rights and fundamental freedoms in the Islamic Republic of Iran, followed by a few comments. The fact that a few developments have been highlighted does not detract from the importance of other developments mentioned in the preceding chapter, since all the developments together constitute the direct background to the observations and conclusions set out in the final report. The present chapter should be read and analysed in relation to chapter IV of the interim report (A/47/617), since they complement one another and constitute a single whole.

B. The right to life

281. By the end of 1992, 301 judicial executions had been recorded. Of these, 164 may be attributed to political causes. Among the persons executed are members of the following organizations: People's Mojahedin Organization of Iran; Kurdistan Democratic Party; Komala; Fedahin, and various groups from Baluchistan.

282. Shortly after the demonstrations of April and May 1992 in Mashhad, Shiraz and other cities, no less than 8 participants were executed and a further 10 sentenced to death; they are awaiting execution of the sentences. On 18 March 1992, Mr. Bahman Samandari, a member of a prominent Baha'i family, was executed. In September, two members of the same community, who had been interviewed by the Special Representative during his third visit to the country, were sentenced to death. It is reported that other persons have been sentenced to death and are awaiting execution on as yet unspecified dates. Mr. Bahman Qahramani is still missing after being arrested for political reasons (see para. 101). In 1993, the death sentence against Salman Rushdie was confirmed and the reward for his killing was increased, with consequent international tension and controversy, which has on occasion taken violent forms.

283. On 1 November 1992 a woman was stoned to death in Isfahan. This form of execution also constitutes torture and is inadmissible under the international standards and the resolutions and declarations of competent organs of the United Nations. This and other similar cases which have been recorded earlier form part of the list of complaints by non-governmental organizations (NGOs).

284. Many of these executions were reported in Iranian media, but news of others has been collected from various non-governmental sources. It is stated that the Iranian press has departed from the practice it followed during 1991 and does not now report all executions, especially when they take place in provincial cities.

285. According to the data received, at least 117 of these executions concerned drug traffickers. When drug traffickers are involved, the names of the persons executed are generally published. In the case of political offences, the executions are sometimes reported, without names.

286. Although the death penalty has been imposed on drug traffickers for several years, the problem continues to be as acute as when this repressive policy was adopted. The negative result clearly indicates that the death penalty is not the appropriate means of combating this type of crime. Until such time as alternative policies excluding the death penalty are adopted and the necessary international cooperation is forthcoming in the south Asia region, violations of the International Covenant on Civil and Political Rights will probably continue to accumulate, and it will not be possible to eradicate the evil targeted, through means which, historically, have proved very ineffective.

C. Torture and other cruel, inhuman or degrading treatment or punishment

287. Indications have been received of cases of cruel treatment of prisoners who refuse to submit to the demands of prison authorities or do not confess what public officials consider to be the truth.

288. Attention should be drawn to what has been happening in prison to Mr. Armir Entezam, Deputy Prime Minister and spokesman of the First Provisional Government which replaced the monarchy. Mr. Entezam's situation remains dramatic, not to say tragic. Apart from the long years he has spent in prison, his solitary confinement, the ill-treatment he has received and his inability to communicate with his family, he is seriously ill. It has been possible to document this case and to receive recent reports describing his suffering and state of despair (see annex II).

289. The Special Representative has learnt of a recent case of torture consisting of a beating for refusing to obey the orders of the prison authority. The prisoner in question was tortured several times, taken to hospital, brought back to prison and finally given a beating in September 1992 after he had refused to sign a letter in which he accepted the charges that had been levelled against him for several years. In addition, the sending of information on human rights violations to international organizations has been regarded as espionage.

290. Amputation and flogging are punishments prohibited under the international standards, because they constitute torture. Very recently, five thieves had fingers amputated. This penalty was carried out in public, in Sari (province of Mazandaran), in the presence of judges, administrative officials and hundreds of onlookers (see para. 121).

291. The penalty of flogging has frequently been imposed in 1992. Among a number of cases attention should be drawn to the flogging of about 248 people in the province of Kirmanshah on charges of the unlawful relations, drunkenness and other misdemeanours. As part of a recent campaign to ensure strict compliance with the rules of dress for women, flogging has again been imposed in several cases.

D. The guarantees of due process of law

292. The trials which have led to imposition of the death penalty have been held without complying with the guarantees of due process of law as established by the relevant international instruments. The trials held by the

Islamic revolutionary courts are of a summary nature and take place in camera, generally inside prisons, to which relatives, reporters and the public do not have free access. A trial in camera should be the exception, when certain moral or private interests have to be protected; the general rule should be public and open trials. Despite the numerous statements made and repeated promises, the trend is in the other direction: the exception has become the general rule. There are continuing reports that defendants do not enjoy the right of presumption of innocence, to submit evidence and summon witnesses in their favour, to exercise remedies in the course of the trial, and to lodge appeals and applications for reconsideration.

293. The adverse effects of the lack of a genuinely independent bar association continue to be felt; such an association would supervise the professional conduct of its members, serve as a bulwark against any attempt to impede professional activity, and provide support of all kinds in overcoming the intimidatory practices of certain authorities and their officials.

294. An Act of Parliament, confirmed by the Council for the Determination of Exigencies, introduced the obligatory assistance of an attorney (Vakil), but not necessarily that of an attorney at law (Vakil-e-Dadgostari). The defence is a very technical task which cannot and must not simply be left to persons of good will who are not professionally qualified. The Special Representative's criticisms on this point have given rise to local controversy and public rebuttals by officials; however, he cannot omit to repeat that criminal trials relating to drug trafficking, espionage and political offences are held without the assistance of a qualified lawyer and without the guarantees of due process of law as established by the relevant international instruments.

E. The right to security

295. Previous reports have indicated that independent citizens feel concerned because they are unable to foresee the reactions of the authorities to situations of tension or public disturbance. The recent case of the demonstrations in Mashhad, Shiraz and other cities has been eloquent in this respect. What began as a demonstration over municipal matters blew up into a major event because the authorities were not prepared to restore order through the use of non-lethal instruments. As a result, there were fatalities, other casualties, hundreds of arrests, death sentences, prison sentences and sentences to flogging. According to the official news agency IRNA, the orders of the higher authority were categorical: "Seek out the troublemakers and destroy them like weeds".

F. Freedom of expression, opinion and the press

296. On 27 July 1992, the Tehran Times newspaper complained in its editorial that 13 years after the Revolution the establishment of a journalists' trade union had still not been authorized, whereas other professional groups had achieved their legalization.

297. It is generally acknowledged that the media practise self-censorship with the aim of averting problems with the authorities. The arrest and prosecution of 9 of the 90 signatories of a public letter calling on the authorities to

comply with the guarantees established by the Constitution and to carry out a change in economic policy have had long-term consequences, because they have led to the withholding of criticisms by the media.

298. In the course of 1992, publication of the sports magazine Farad was banned. The editor and cartoonist of this magazine were prosecuted and a mob burned down the magazine's offices. Two other periodicals were banned, the cultural weekly Donya-é-Sokhan and the women's periodical Zan-é-Roues. A mob also burned down the offices of Donya-é-Sokhan, whose editors were arrested.

299. On 17 December 1992 the acquittal was announced of the journalist Abbas Maroufi, editor of the periodical Abrar, who had been charged with insulting the clergy and publishing instructions for opposing the system of the government.

300. Given such confirmed reports, it may be stated that there have been no changes with regard to the freedoms of expression, opinion and the press, and that, as far as these freedoms are concerned, the situation is the same as that described by the Special Representative in earlier reports.

G. Right of association

301. On 10 July 1992, the competent Iranian authority decided to refuse the application for legalization of the Freedom Movement (Nehzat-e-Azadi). This decision was notified to the applicants for legal authorization on 9 August 1992. Furthermore, in several cities throughout the country members of this association were telephoned and given a first and last warning that, if they continued to engage in organization and propaganda activities in support of the association, they would be punished with extreme severity.

302. In view of the official decision, the Movement immediately went into recess. It will be recalled that previous reports have highlighted the question of the independent associations and political parties, the difficulties they have encountered in securing legalization, and the official statements that only legal procedures and formalities were involved, and that no obstacles were placed in the way of the legalization of independent organizations provided they accepted the constitutional bases of the Islamic Republic. However, it was well known that authorization of the Movement and other similar associations was being delayed. Now, legal authorization has suddenly been refused and it has been banned. No further grounds are required for stating that freedom of association remains in limbo.

H. Suspension of the activities of the International Committee of the Red Cross (ICRC)

303. In the interim report submitted to the General Assembly (A/47/617), full information was given on the suspension of ICRC activities in Iran and the expulsion of its delegates. The prison visits, conducted in accordance with the agreement concluded between ICRC and the Government, began on 22 January 1992 in the provinces. On 21 March 1992, the Government instructed ICRC to cease all operations in Iran and expelled its 15 members who had been in the country.

304. In the reply to the first memorandum sent to it by the Special Representative, the Government of Iran stated:

> "Considering the situation that has developed regarding the status of the office of ICRC in Tehran, unfortunately, the normal activities of this office have been suspended. Nevertheless, in cases of finding a practical mechanism for the continuation of the said Committee's activities, the Islamic Republic of Iran is prepared to review the matter, even prior to the removal of the obstacles concerning the initiation of the activities of the Red Cross office in Tehran" (see para. 170).

305. From this statement it would appear that, even before permitting the reopening of an ICRC office in Tehran, the Government might consider practical mechanisms for dealing with and solving specific cases. This could be a by no means negligible first step, but the prison visits will undoubtedly require the full operation of ICRC in Iran and compliance with the agreement signed by ICRC and the Government in November 1991. As at the time of drafting the present report, ICRC has not been able to resume its activities in Iran.

306. The Special Representative repeats that the visits by ICRC to Iranian prisons are an important factor in ensuring that the prison regime is in conformity with international standards. The private, confidential and periodic interviews with prisoners and access to all detainees, without exception, by delegates from an institution with the prestige of ICRC are important means of ensuring respect for the human rights of those who have been deprived of their freedom.

307. On the question of prisoners of war, on 27 December 1992 the Iranian Government announced that there were no more Iraqi prisoners of war in Iranian territory. The Iranian Red Cross issued a communiqué to the same effect. It was explained that the prisoners still held had been released and had refused to return to their country.

I. Religious freedom and situation of the Baha'is

308. In 1992 there were reports of several restrictions on the religious freedom of Christian groups and followers of Zoroastrianism. Chapter II of this report containing developments and allegations describes the situation of these sectors of the Iranian population. Attention should be drawn to, inter alia, the closure of the Iranian Bible Society, which has not been revoked, the continued imprisonment of Reverend Mehdi Dibaj and the prohibition of a number of public manifestations of Christian worship.

309. As regards followers of the Baha'i faith, there have been numerous confirmed and documented cases of harassment, arbitrary detention, confiscation of property, expulsion from the home and discrimination in general. As has been pointed out in the part of this report relating to developments, 1992 has seen two Baha'is sentenced to death because of their religious faith; at least one member of this community has been executed during the year.

310. After the cut-off date for the receipt of information and after completion of the relevant memoranda, reliable information was obtained about a circular issued by the Supreme Revolutionary Cultural Council on 25 February 1991 about the Baha'is. The main guidelines contained in the circular, established in order to inform all authorities about the policy to be followed concerning practitioners of the Baha'i faith, are set out below:

(a) With regard to the general condition of Baha'is, the following guidelines are hereby adopted: (i) they shall not be expelled from the country without reason; (ii) they shall not be detained, imprisoned or punished without reason; (iii) the Government's treatment of them shall be such that their progress and development shall be blocked;

(b) With regard to their educational and cultural situation, the following directions are hereby adopted: (i) they may be enrolled in schools provided that they do not identify themselves as Baha'is, but they shall if possible be assigned to schools with a strong religious ideology; (ii) when a student is known to be a Baha'i, he shall be expelled from university, either during the admission process or in the course of the academic year; (iii) their political activities, "including espionage", shall be countered by means of the relevant official policies and laws, and their religious activities and teaching shall be confronted by means of other religious activities and teaching, cultural responses and propaganda; (iv) the propaganda institutions, such as the Islamic Propaganda Organization, shall establish special sections to counter the religious activities and teachings of the Baha'is; (v) a plan shall be formulated to combat and destroy the cultural roots which this group has outside the country;

(c) As regards their legal and social position, the following guidelines are hereby adopted: (i) they shall be permitted to lead a modest life similar to that of the population in general; (ii) to the extent that this does not constitute encouragement for them to persist in their status as Baha'is, they shall be allowed the normal means to live like all other Iranian citizens, such as ration books, passports, death certificates and work permits; (iii) employment shall be refused to persons identifying themselves as Baha'is; (iv) they shall also be denied positions of influence, for example in the education sector.

311. The above-mentioned guidelines have some slightly positive elements, in particular when they refer to the general status of this group and the granting of work permits, ration books and passports. But it must be observed that one rule limits all the others, namely, that which provides that the progress and development of the Baha'is shall be blocked. It should also be noted that, pursuant to this rule, university studies are beyond their reach and they are denied access to public office.

J. Situation of women

312. Women are forbidden to study engineering, agriculture, mining and metallurgy, and they are not allowed to become magistrates. They are excluded from 91 specific fields of study at the university level, from 55 fields in the area of technology and 7 in natural sciences. On the arts side, women have access to only 10 out of 35 fields of study.

313. In order to work and in order to travel abroad, women require the permission of their husbands. If they inherit property, its value is reduced to half of that received by men. In 1992 there have been campaigns for the strict observance of the rules on women's dress. Women have been arrested on charges of not complying with these rules. The arrests took place in the course of searches and checks in public places, but also in private firms and clinics. Many of the women arrested were released after signing a document promising that in future they would comply scrupulously with the rules, but others were given severe punishments, including flogging.

K. Clemency measures

314. In April 108 persons were amnestied, including 8 signatories of the Charter out of the 90 who were members of the Freedom Movement. In July and September it was announced that amnesties had been granted to about 3,000 prisoners. Some had their sentences reduced and others were released. This amnesty included 53 members of the clergy. On 15 December 1991, it was announced that 76 women had had their penalties reduced or had been released.

L. The problem of the refugees

315. In 1992, numerous Afghan refugees returned to their country, mainly those from provinces bordering Iran. Some 1,500 to 2,000 refugees are still returning to their country every day, with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR).

316. A seminar held in Tehran from 20 to 23 July 1992, with the participation of UNHCR and numerous international NGOs, provided an opportunity of studying the refugee problem in depth. It was apparent that the NGOs had little information on the serious problem which has confronted Iran as a result of the massive influx of refugees not only from Afghanistan but also from Iraq, most of the latter being Kurds and Shi'ite Muslims. In resolutions the participants decided that that seminar should have a follow-up and not remain a one-off event.

317. The task of repatriating 2.1 million persons is gigantic, and the refugees need assistance in order to resettle in their country of origin. The Afghan refugees have not been concentrated in camps but have lived freely in the country and have earned their living by working mainly in the construction sector. The Islamic Republic of Iran has responded positively to the problem created by the refugees from neighbouring countries.

IV. CONCLUSIONS

318. The Government of the Islamic Republic of Iran has emphasized that, in its opinion, there has been an improvement with regard to enjoyment of, and respect for, human rights within the international guidelines and has attributed the main problem in this area to the differences of interpretation of the international standards and to problems of cultural distances and differences which give rise to differing evaluations of the same facts.

319. On the question of the structure and organization of the systems for supervision of compliance with the international human rights instruments, the

Special Representative again feels obliged to point out that regional and national developments must be fully consistent, and maintain continuity, with the system lawfully established by the United Nations, and that no such development is admissible if it runs counter to, or deviates from the international order. In the event of such a discrepancy, the regional and national systems must conform to the international system.

320. In conformity with the international instruments in force to which it is a party, the Government of the Islamic Republic of Iran is obliged to bring its legal system, and in particular its judicial and prison system, into line with the international standards which it has endorsed and ratified and which are accordingly binding on it with its full consent. The international system of protection and promotion of human rights is not imposed on any country from without, by dint of forces alien to the State will. On the contrary, it is a negotiated and agreed system, both in its general precepts, and in applications of those precepts.

321. United Nations supervision is based on the Charter, to which the Member States have given their consent, and on developments of the Charter, which the Member States have also accepted. Anything which States consider should be the subject of international legal reform should be taken up through the procedures established within the international organizations.

322. On the specific question of the current situation of human rights in Iran, it should be mentioned that: there is continued uncertainty about the official reaction to dissidence; self-censorship is widespread in the media; several guarantees of due process are still merely the letter of the law or the subject of proposed legislation; the right of free association has been denied, with the express banning of the Freedom Movement; the International Committee of the Red Cross continues to be prevented from performing its function in the prisons; the restrictions on non-Islamic religious groups are manifold; and the situation of women leaves much to be desired.

323. Furthermore, with regard to the right to life, the number of judicial executions continues greatly to exceed the very restrictive terms of the International Covenant on Civil and Political Rights and there have been cases of torture and cruel, inhuman or degrading treatment or punishment. The guarantees of due process and legal defence by means of a qualified lawyer are not complied with in trials before the Islamic revolutionary courts; this is serious and irreversible when these trials result in the defendants being sentenced to death or amputation.

324. International supervision is contributing, albeit sometimes in limited terms and to a relatively modest extent, to the protection of human rights in the country under supervision. Inherent in the foregoing conclusions is the implication that, in the opinion of the Special Representative, international supervision of the situation of fundamental rights and fundamental freedoms in the Islamic Republic of Iran should be continued.

V. RECOMMENDATIONS

325. In accordance with the conclusions reached above, an urgent appeal should be made to the Iranian Government to implement fully, consistently and without exception the international standards in force in the area of human rights and fundamental freedoms.

326. Particular emphasis should be placed on the urgent need drastically to reduce the number of executions, and to ensure that the few death sentences handed down in the future are the result of trials in which the guarantees of due process of law have been scrupulously, verifiably and publicly applied.

327. An urgent appeal should be made to the Iranian authorities to implement the agreement concluded with ICRC in November 1991 concerning the visiting of prisons and prisoners without distinctions between ordinary offences and political offences.

328. Recognizing that the Government of the Islamic Republic of Iran has responded to several of the allegations that have been communicated to it, it should be asked to resume a policy of full cooperation with the Commission on Human Rights and, in particular, the Commission's Special Representative.

329. It should be stated that the Special Representative's three visits to Iran have helped to give a clearer picture of the situation prevailing in the country with regard to human rights. Now that over a year has elapsed since the most recent visit, a fourth visit would appear advisable.

Annex I

LIST OF PRISONERS PRESENTED TO THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN BY THE SPECIAL REPRESENTATIVE IN A MEMORANDUM DATED 25 SEPTEMBER 1992

The Special Representative requests information from the Government regarding the situation of the following prisoners:

1. Ms. Mona Abdi, 29 years old, is being held in Ahwaz prison serving a life sentence. She was arrested in 1981 reportedly for possession of opposition newspapers and convicted on political charges.

2. Mr. Souhrab Afhadi, born in 1971, was reportedly arrested in 1986 on charges of distributing opposition leaflets. He is held in Ghasr prison.

3. Mr. Mohammad-Reza Afshari-Rad, 27 years old, single, is being held in the prison of Zanjan on political charges. He was arrested on 30 September 1991.

4. Mr. Morteza Afshari-Rad, married with two children, is being held in the prison of Zanjan. He was arrested on 7 October 1991.

5. Mr. Faramarz Ahmadian was reportedly arrested on political charges. The place of detention is unknown.

6. Mr. Reham Bahram Ahmed, 33 years old, a citizen of Iraq, son of Bahram A. Suleiman, was reportedly captured by Iranian soldiers on 27 July 1981 and held as a prisoner of war in Dawoodiya Military Camp in Tehran (Red Cross file No. 4355).

7. Mr. Moharramali Akhshi, married with four children, is being held in the prison of Zanjan on political charges. He was arrested on 7 October 1991.

8. Ms. Shahrbanu Akhshi, wife of Moharramali Akhshi, is being held in the prison of Zanjan on political charges. She was arrested on 30 September 1991.

9. Mr. Hooshang Amjadi, who is being held in Evin prison in Tehran, was convicted on charges of espionage for a foreign country. He is reportedly in his fifties, is a landowner, and was arrested in September 1988. He spent over a year in incommunicado detention, sometimes under torture. Family visits were reportedly permitted at the end of 1989; after that he was forced to confess. His trial took place before an Islamic Revolutionary Court in Evin prison in March 1990. Throughout his imprisonment he was not represented by a defence lawyer.

10. Ms. Farzaneh Amouyi, aged 32, has been in detention since 1981. She is reported to have had a mental breakdown in 1986, apparently as a result of long-term torture, including sexual abuse, and to be suffering from severe mental illness. She was allegedly beaten as a punishment for behaviour due to her illness, such as refusing to eat, wash or look after herself. She is held in Evin prison on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

11. Dr. Assadi was reportedly arrested on political charges and is being held in Evin prison in Tehran.

12. Mr. Davoud Azizy was arrested in 1981 on political charges and is reportedly being held in Ardebil prison.

13. Mr. Yagoub Bahramy, born on 14 October 1949, technician, was arrested on 17 June 1984 and sentenced in July 1984 to 12 years' imprisonment on political charges. He is reportedly in Ghasr prison in Tehran.

14. Mr. Mohammad Rahim Bakhtiari, 41 years old, married with three children, is being held in Evin prison in Tehran on political charges. He was arrested on 23 September 1991.

15. Mr. Nasser Barariy was reportedly arrested on political charges. His place of detention is unknown.

16. Mr. Farzad Barati is said to be held in Evin prison in Tehran on political charges.

17. Mr. Ibrahim Pasha or Basha, a citizen of Ghana, is being held in Evin prison in Tehran in the same section in which are held several Iraqi prisoners of war.

18. Mr. Mohammad Hassan Bassidji was reportedly arrested in August 1988. His place of detention and current situation are unknown.

19. Mr. Mohammad Mohssen Bassidji was reportedly arrested in August 1988. His place of detention and current situation are unknown.

20. Mr. Ahmad Bastan was reportedly arrested on political charges and is being held in Evin prison in Tehran.

21. Ms. Akram Beiromwand is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

22. Mr. Baghir Borzui is said to be held in Evin prison in Tehran on political charges.

23. Mr. Haji Dalanpour, 61 years old, born in Rezaieh, is being held in Evin prison in Tehran. He was arrested in July 1989.

24. Mr. Hossein Dashtgerd, 59 years old, married with five children, is being held in Evin prison in Tehran on political charges. He was arrested on 29 September 1991.

25. Mr. Mehdi Dibaj, a former Muslim and now a Christian pastor and Church leader, has reportedly been in prison for more than six years.

26. Mr. Nahid Dorudiahi is reportedly held in Evin prison. He was sentenced to 12 years' imprisonment on political charges.

27. Mr. Djavad Ebrahimi, sentenced to 13 years' imprisonment on political charges, is being held in Ghazal Hasar prison. He is reportedly suffering from skin and eye infections and kidney disease.

28. Mr. Amir Entezam, former Vice-Prime Minister of the first provisional Government of the Islamic Republic of Iran, who was visited by the Special Representative in December 1991, is being held in section 4, unit 325, of Evin prison in Tehran, convicted on charges of espionage for a foreign country and on political charges, after a summary trial in which he was not represented by a lawyer and during which some witnesses called in his defence were arrested. He has reportedly lost 40 per cent of his hearing and suffers from a disease of the pelvis, eye and prostate illnesses, a stomach ulcer and skin irritation. He is without adequate medical treatment and food. He has reportedly no right to receive visits and has spent 550 days in solitary confinement.

29. Ms. Fatemeh Eshraghi is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

30. Ms. Nayer Kharaktchi Fard, 18 years old, is said to be held in Evin prison in Tehran (file No. 59007-69). She was reportedly sentenced on political charges in 1991 to five years' imprisonment, of which she must spend four years in solitary confinement.

31. Ms. Zoya Fardbar is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

32. Mr. Naser Farokhnia is a former captain who reportedly displayed courageous behaviour during the Iraq-Iran war. He was reportedly arrested in 1988 on charges of collaborating with his brother who allegedly was accused of spying for a foreign country. He is said to be held in Dejban prison in Jamshidabad.

33. Mr. Vazir Fathi is being held in Evin prison in Tehran. It was reported that one condition of his release is that he publicly denounces and recants his political beliefs.

34. Ms. Firouzeh Fayaz is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

35. Ms. Zahra Felahati was reportedly sentenced to 38 years' imprisonment. Her current situation and place of detention are unknown.

36. Mr. Navabali Ghaemmaghami is being held in Ghomm prison on political charges. His current situation is unknown.

37. Ms. Zeinab Ghanavati is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

38. Ms. Narges Ghanbari, 34 years old, is a school teacher who is said to be held in Masjed Soleiman prison. She was reportedly arrested in 1981 and sentenced to life imprisonment for her part in political demonstrations.

39. Mr. Jafarpour was reportedly arrested on political charges and is being held in Evin prison in Tehran.

40. Mr. Kyanoosh Hakeamy, a former captain in the Iranian navy, was allegedly convicted on charges of espionage for a foreign country. His current situation and place of detention are unknown.

41. Mr. Kourosh Jalili is being held in Evin prison in Tehran on political charges. He was arrested in 1990.

42. Mr. Farhad Javian, 25 years old, married, is being held in Evin prison in Tehran on political charges. He was arrested on 30 September 1991.

43. Mr. Amir Houshang Kamrani, a teacher from the town of Jiroft, Kerman province, was arrested in February 1984 and sentenced to 30 years' imprisonment. It was reported that since 1988 he has had no right to receive visits. He is being held in the Guard's prison of Kerman.

44. Ms. Mehrnaz Kamrouz-e-Khodayar is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

45. Mr. Khalid Ali Karimi was arrested on political charges. His current situation and place of detention are unknown.

46. Ms. Nahid Khodajou is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

47. Mr. Monir Khoroshani-Baradaran was reportedly arrested on political charges and is being held in Evin prison in Tehran.

48. Mr. Ahmad Khosrovi was reportedly arrested on political charges. His current situation and place of detention are unknown.

49. Mr. Mahmoud Mottahedine is said to have been held for up to 12 years in Evin prison in Tehran for his part in the so-called Forgan organization.

50. Mr. Mansour Moussavi, former employee of the Iranian Ministry of Roads, is being held in the prison of Zanjan on political charges. He was arrested on 9 October 1991.

51. Mr. Davoud Mozafar was reportedly arrested on political charges and is being held in Evin prison in Tehran.

52. Mr. Hossain Naftian was arrested in 1987 and sentenced to five years' imprisonment on political charges. He is reportedly in Evin prison in Tehran.

53. Mr. Norouz Naghizadeh was reportedly arrested on political charges and is being held in Evin prison in Tehran.

54. Mr. Freidon Najafi, 32 years old, is reportedly being held in Gohardasht prison on political charges.

55. Mr. Homanon Najafi, 35 years old, was arrested in 1989 and is reportedly being held in Gohardasht prison on political charges.

56. Mr. Djalil Nazemi, born in 1964, was arrested on 17 January 1984 on political charges. His place of detention and current situation are unknown.

57. Mr. Ebrahim Nebahat is said to be held in the prison of Tabriz on political charges.

58. Ms. Nasrin Nodinian is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

59. Mr. Hussein Noparvar is being held in Evin prison in Tehran. He was sentenced on political charges and his release was scheduled for July 1991. However, he continues to be held in prison; reportedly because one condition of his release is that he publicly denounce his past political activities.

60. Mr. Reza Pajonhesh, former technician at Joshmanodelleh Hospital in Tehran, is being held in the prison of Zanjan. He was arrested on 9 October 1991.

61. Mr. Aref Paki, born in Rezaieh, 51 years old, is being held in Evin prison in Tehran on political charges. He was arrested in November 1989.

62. Mr. Rouhollah Partieli, 57 years old, married with five children, is being held in Evin prison in Tehran on political charges. He was arrested on 30 September 1991.

63. Mr. Hussein Parvazeh, a native of Ney, Farivan, is said to be held in Evin prison in Tehran on political charges.

64. Mr. Mojahed Khiroulah Rahimy, born in 1964 in Ardebil, was arrested in 1982 on political charges and sentenced to 15 years' imprisonment. He is reportedly being held in Evin prison in Tehran.

65. Mr. Mohammad Taghi Rahimpour was reportedly arrested because he did not give information as to the whereabouts of his wife (Ms. Zahra Nouri). He was an assistant lieutenant in the Iranian Army. His current situation and place of detention are unknown.

66. Mr. Mehrdad Razaghi is said to be held in Evin prison in Tehran on political charges.

67. Mr. Mohammad Aminal Reaya was reportedly arrested on political charges and is being held in Evin prison in Tehran.

68. Mr. Ali Reza Sadeghi, 28 years old, was arrested in 1988 on political charges and is reportedly being held in Ardebil prison.

69. Mr. Adel Saiidi is said to be held in the prison of the city of Oroomieh on political charges. He was arrested in 1981.

70. Mr. Mostafa Salehyar, born in December 1967, was arrested in 1987 and sentenced to six years' imprisonment on political charges. He is in Evin prison in Tehran.

71. Ms. Shahin Samii is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs. She was arrested in 1981 and sentenced to 15 years' imprisonment.

72. Mr. Mohammad Sekhavatmand, 41 years old, born in Tabriz is being held in Evin prison in Tehran on political charges. He was arrested in October 1989.

73. Ms. Maryambanou Sepehri-Rahnema was arrested in 1983, tried and sentenced to life imprisonment. She is reportedly being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

74. Mr. Tofygh Setayeshi, born in Tabriz in 1957 and a former student at Sharif Industrial University in Tehran, was reportedly arrested in 1982 on political charges and is being held in Evin prison in Tehran.

75. Mr. Mansour Shaheri, 33 years old, is being held in Evin prison in Tehran on political charges. He was arrested in 1988 and is reportedly very sick.

76. Mr. Hossein Shetabi, a former captain, was reportedly arrested in 1988 and is said to be held in Evin prison in Tehran on political charges.

77. Mr. Mehdi Khosh Slook, former Director of Nawafram Company, was arrested on political charges. His current situation and place of detention are unknown.

78. Mr. Mehri Khosh Slook is being held in detention on political charges. His current place of detention is unknown.

79. Ms. Farkhondeh Soleimani is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

80. Mr. Mansour Taheri, 38 years old, was reportedly arrested in 1986 on political charges and is being held in Khorin prison, near Tehran.

81. Ms. Ashraf Taman is being held in Evin prison in Tehran on charges of having been affiliated with a banned left-wing party and of having expressed, non-violently, her political beliefs.

82. Mr. Jamshid Torabi, 39 years old, a former student at the University of Tehran, is reportedly being held in cell block 6 of the Training Centre of

Evin prison in Tehran. He was arrested in 1982 and sentenced to 15 to 17 years' imprisonment on political charges, allegedly during a brief trial without the presence of a defence lawyer and during which he was not permitted to call witnesses in his defence.

83. Mr. Haidar Youssef is said to be held in Evin prison in Tehran on political charges.

84. Mr. Abbas Zaboli is said to be held in Evin prison in Tehran on political charges.

85. Mr. Omar Ahmad Zadeh is being held in Evin prison in Tehran on political charges. He was arrested in 1990.

86. Mr. Zamani was reportedly arrested on political charges and is being held in Evin prison in Tehran.

87. Mr. Farideh Mahmood Mohammad Zamani is being held in Evin prison in Tehran on political charges.

88. Mr. Ali Ziaiha is said to be held in Evin prison in Tehran on political charges.

89. Mr. Hassan Zolfaghari was reportedly handed over to the Iranian authorities by the Iraqi opposition group, the so-called Patriotic Union of Kurdistan (PUK), in April 1991, in Ghasr-e Shirin, a town near the border with Iraq. His place of detention is unknown. It is not known whether Mr. Zolfaghari has been charged, tried or sentenced.

Annex II

LETTER FROM MR. AMIR ENTEZAM, FORMER VICE-PRIME MINISTER AND SPOKESMAN OF THE FIRST PROVISIONAL GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN, TO THE SPECIAL REPRESENTATIVE OF THE COMMISSION

Referring to the following evidence I hereby charge the Islamic Republic of Iran for crimes and misdeeds committed by this regime during the past 12 years, and ask for this international body's attention, hoping to have the possibility of a retrial in order to defend my most obvious rights and those of my compatriots.

I cite the contraventions of the rights set out in the Universal Declaration of Human Rights and explain further the said violations.

The Iranian Government vowed to abide by the International Covenant on Civil and Political Rights, adopted on 16 December 1966 by the United Nations General Assembly, when this Covenant was put to a vote in the Iranian Parliament on 14 December 1972 (23 Azar A.H. 1351).

During these 12 years, and during the months I have spent in prison, I have been witness to various violations of the aforesaid rights. I have been witness to hundreds of people being tortured and I, myself, have undergone the same treatment, notably:

- Suffering fist punches;
- Solitary confinement for 550 days without any break;
- Deprivation of visits and speech: until today, two and a half years of stay in a 1.5 x 2.65 cell together with 27 people behind closed doors and having 3 toilet visits in 24 hours. One shower in (for 27 people with only 3 showers) (sic);
- Three hours of sleep (stretched) in 24 hours;
- Lack of hygiene, skin irritation (because of sitting still for two years);
- Disease of the pelvis;
- Developing eye and prostate illness. Waiting four years under suffering for prostate and left knee surgery. Suffering from stomach ulcer and other illness without adequate food and treatment until now;
- Hospitalization after six years of waiting under surveillance by six guards - two of whom accompanied me in the surgery hall;
- Having my hair cut with sheep-wool shears in the presence of hundreds of inmates and ridiculing me;
- Cutting my relation with my wife and children until today;

- Having taken me out twice in the middle of the night for execution and keeping me for 72 hours without explanation;

- Keeping me on my feet for 27 hours and hundreds of other cases.

One might be led to think that actually such treatment has ceased to exist; here are some examples of its continuation:

- During the autumn (Azar) of 1991, 24 hours after Mr. Galindo Pohl reached Iran, at 9 o'clock in the evening, in pouring rain and cold weather we underwent a prison-section change and were transferred from section 3 to section 4, upstairs in unit 325 (named "Foreigners' section"). Open trucks were used for the transfer and as a result I developed a cold in my ear. For 40 days I was denied access to the ear specialist, and in the end the infection ruptured my eardrum.

After two months of suffering and rupture of both ears a specialist was summoned, only to confirm that I had lost 40 per cent of my hearing.

In this cold winter of 1992 we are deprived of heating and warm water in the prison, as they claim there is no more than a few hours of warm water in the heaters due to malfunction of the central heating apparatus.

The temperature in the cells where we stay is between 5° and 12°.

Other people being tortured:

- Breaking of the tooth and rupture of eardrum of Taghi Rahmani; whipping of Ali Khianiha; torture and execution of Sadegh Azizi, Houshang Shahin, Alireza Ashtiani, Heydar Mehregan and Ardeshir Yeganeh; connecting electrical mains to the back, suspension from a leg or arm, keeping one on his feet for eight days;

- Starving the prisoners: one loaf of bread and one dish of rice for 10 persons in 24 hours;

- Another torture practised is keeping the prisoner in a small coffin for months (50 x 80 x 140 cm). In 1984 (A.H. 1363), there were 30 prisoners kept in these coffins. They became mad.

These are examples of torture in the Iranian regime.

(Signed) Amir ENTEZAM
1992